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No. 147

## House of Representatives

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. FITZPATRICK).

### DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,

October 4, 2011.

I hereby appoint the Honorable MICHAEL G. FITZPATRICK to act as Speaker pro tempore on this day.

JOHN A. BOEHNER,

*Speaker of the House of Representatives.*

### MORNING-HOUR DEBATE

The SPEAKER pro tempore. Pursuant to the order of the House of January 5, 2011, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning-hour debate.

The Chair will alternate recognition between the parties, with each party limited to 1 hour and each Member other than the majority and minority leaders and the minority whip limited to 5 minutes each, but in no event shall debate continue beyond 11:50 a.m.

### IN HONOR OF ROGER KENNEDY

The SPEAKER pro tempore. The Chair recognizes the gentleman from Oregon (Mr. BLUMENAUER) for 5 minutes.

Mr. BLUMENAUER. Mr. Speaker, I note with sorrow the passing of Roger Kennedy last Friday. Roger had a long and storied career that exemplified notions of public service. He was, indeed, a renaissance man.

It's hard to think of anything that Roger had not done in his lifetime, with the possible exception of hold elective office. He was Director of the National Park Service, Director of the

Smithsonian's National Museum of American History, vice president of finance for the Ford Foundation. He was special assistant to three Cabinet Secretaries, a lawyer, a journalist, and somehow found time to write 10 books. Actually, he had run unsuccessfully for Congress against fellow Minnesotan Gene McCarthy over 60 years ago. How might history have been different if he had won.

You found out about Roger's exploits in bits and pieces. When you were engaged in conversation, he would reach back into the past to illustrate points with very tangible, concrete, easy-to-understand examples, often with himself having been in the middle of it.

My legislative director, Janine Benner, and I became acquainted with Roger as we were dealing with policies to prevent, cope, and recover from natural disasters. One of Roger's books was titled "Wildfire and Americans: How to Save Lives, Property, and Your Tax Dollars." His kind words mentioning us by name in the acknowledgement was a high point of both of our careers. He was a valued participant in sessions we would have before and after Hurricane Katrina. He was a keen student of the built environment, dealing with unintended consequences of policy, whether putting Los Alamos nuclear laboratory facilities in the middle of an area that had been repeatedly burned by wildfires or digging into the history of the early South, slavery and land use, the Jeffersonian model. He provided information and insights that were unique, profound, and provocative. Even after his retirement, he continued to be a scholar, an advocate, a friend, and a mentor—especially a mentor.

I have read the articles that were about Roger in The New York Times, The Washington Post, but none captured better than a note from our legislative director, Janine Benner, who wrote, "Roger was a big thinker, un-

derstanding the way things in the world fit together. I loved just listening to him talk. It made me feel like at least there were a few people who understand how the world really should be. I always kept my notes from the conversations in hopes that they would make me smarter. He was devoted to public service, even in 'retirement.' He was always thinking about ways to make the world a better place. While he was very focused on the past, writing books about history, he was a master at using that knowledge to inform himself and others about the future. Preventing devastating damage from wildfires and his exploration of the flame zone was a great example."

Mr. Speaker, we often talk about someone's passing as an opportunity to celebrate their life. It's hard to imagine a better life to be celebrated, more productive, with greater joy and insight, than the life Roger Kennedy lived.

Today people in government seem incapable of dealing with big issues, matters of consequence in a thoughtful and cooperative fashion. Well, there's no better role model for any of us to meet the challenge in all our opportunities and responsibilities than Roger Kennedy. On behalf of our legislative director, Janine Benner, and the people in our office who were privileged to know and work with Roger, we extend our sympathies to his wife, Frances, and Roger's circle of family and friends. We are all going forward strengthened by Roger's friendship, scholarship, and example.

### AFGHANISTAN

The SPEAKER pro tempore. The Chair recognizes the gentleman from North Carolina (Mr. JONES) for 5 minutes.

Mr. JONES. Mr. Speaker, this Friday will be the 10th anniversary of our troops being committed to Afghanistan. This commitment by the previous

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.



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administration and Congress was justified because bin Laden and al Qaeda were responsible for 9/11. But now bin Laden is dead; al Qaeda is disbursed all around the world.

Beside me is a poster of an honor guard carrying a flag-draped coffin off a plane at Dover Air Force Base. To accompany the photo, I will read into the RECORD an editorial from Bob Schieffer titled "The Real Cost of War":

[I was in an airport lounge the other day when I saw a woman across the way. Why I kept staring, I don't know. Maybe it was just that she seemed so sad. And then I understood. And I looked away, hoping she had not seen me stare. Because in her lap was an American flag, neatly folded into a triangle and placed in a clear plastic case, a flag folded the way it always is when it is given to a soldier's family as the soldier's coffin is lowered into the grave.

I figured her to be a soldier's mother, and I couldn't help but wonder what memories that flag evoked as she held it there. Did it remind her of the first time she had seen her child in the delivery room, or was it the memory of seeing him go off to school that first day, or when he brought home the prize from the science fair, or maybe made the touchdown, or gave her the first Valentine when he wrote out, "Mommy, I love you."

I keep thinking about all the talk in Washington about the high cost of defense and how we have to cut the Pentagon budget before it bankrupts the country. But as I watched that woman, budgets seemed to be such a small part of all of it. No, the real cost of war is not what we pay in dollars and cents. The real cost is what we take from a mother who is left with just a memory and a neatly folded flag in a clear plastic case.]

This was over a year ago, and I want to thank Bob Schieffer. I don't think it can be said better than what he said that day, which I just read into the RECORD.

Why this Congress continues to complain about budgets and cuts and deficits and debts, and our young men and women are walking the roads of Afghanistan, getting their legs blown off and getting killed, and we sit here in Congress and don't bring it up as an issue.

I want to thank my friends on both sides of the aisle and the Republicans on this side of the aisle who are trying to say to Mr. Obama, No, don't leave them there until 2014. Karzai is a crook. He is a corrupt leader. You are spending \$10 billion a month in Afghanistan, and you can't even audit the books in Afghanistan. And kids are dying. Yet right here in America, we are cutting programs for children to get a pint of milk in school; and we are saying to a senior citizen, No sandwich at the senior citizens center because we can't afford it. But, Mr. Karzai, we will send you \$10 billion.

Mr. Speaker, it's borrowed money. It's not even Uncle Sam's money. It's probably Uncle Chang's money. But more importantly than the money is what Bob Schieffer said: It's the pain of war. And this Congress needs to come together and say to Mr. Obama, Let's bring them home this year, next year, but not wait until 2014, 2015.

Mr. Speaker, I will close, as I always do on the floor of the House, please,

God, bless our men and women in uniform. Please, God, bless the families of our men and women in uniform. Please, God, in your loving arms, hold the families who have given a child dying for freedom in Afghanistan and Iraq. I ask God to bless the House and the Senate that we will do what is right in the eyes of God for its people. I ask God to give wisdom, strength, and courage to President Obama, that he will do what is right in the eyes of God's people. And I will say three times, God please, God please, God please continue to bless America.

□ 1010

#### COLOMBIAN WORKERS CONSTANTLY THREATENED AND AT RISK

The SPEAKER pro tempore. The Chair recognizes the gentleman from Massachusetts (Mr. MCGOVERN) for 5 minutes.

Mr. MCGOVERN. Mr. Speaker, I was in Colombia at the end of August with a delegation organized by the Washington Office on Latin America.

In Medellin, we met with the National Labor School, or ENS, to discuss the current labor situation in Colombia. Their reports on threatened and murdered unionists are internationally recognized; and because of this, ENS faces constant threats and efforts to discredit them.

While not at the levels of the early 2000s, violence against Colombia's workers continues. It is persistent and frequent. It is a reality that cannot be denied, and it is meant to silence people. At least 40 trade unionists have been murdered since President Santos took office last year.

One benchmark in the Colombia Labor Action Plan is for the attorney general's office to meet with ENS and determine how to address the more than 2,900 cases of murdered unionists, of which 90 percent remain in impunity. The first meeting happened in May, but there's been no second meeting. In Bogota, I met with Deputy Attorney General Juan Carlos Forero. I asked him when the next meeting would happen, and he said "imminently." Five weeks later, still no meeting.

Last week, Human Rights Watch sent a study to Colombian Attorney General Viviane Morales. It says "virtually no progress" has been made in getting convictions for killings of labor activists that have occurred in just the past 4½ years. So virtually no progress on recent murders of labor activists, and little progress on past cases.

Mr. Speaker, I met with port workers, campesinos, workers on palm oil plantations, and petroleum and factory workers. Their reality is filled with risk, threats, and even death. They are not valued as human beings, Colombian citizens, or productive members of society. In Cartagena, port workers went on strike in March. Their working con-

ditions are inhumane, and they are forced to work under various subcontracting schemes. These contracts deny them basic benefits and keep them in constant uncertainty about whether they will be working next week or even the next day. They just want the right to negotiate their contracts directly with their employers, the port associations.

The port workers ended their strike after just a few days because the Santos government promised to facilitate talks between the workers and the port associations. But nothing happened. Nothing changed. In fact, some things are worse. As part of the LAP, the most common subcontracting scheme, the so-called "cooperatives," was abolished, except nothing was done to facilitate direct contracting between workers and their employers. So a new scheme has popped up called "simplified joint stock companies," or SAS. Good-bye cooperatives, hello SAS. Meet the new boss; worse than the old boss.

The government has done little to help, unfortunately. When I asked Vice President Garzon about the port workers, he promised to meet again with their union leader. Mr. Speaker, it's not the workers he needs to meet with and convince to negotiate. It's the presidents of the port associations.

Oil workers from Meta showed me photographs and documents describing poor living and working conditions, unfair contracts, and how the Canadian Venezuelan oil company, Pacific Rubiales, acts like a sovereign government on Colombian soil, destroying public roads, firing workers for organizing, and calling in security forces to tear gas striking workers. I'm sure it's not the whole picture, but once again striking workers returned to work because the government promised to open talks with the company. Again, all the workers are asking for is the right to negotiate directly with the company about their contracts and their living and working conditions, and once again the Colombian Government let the workers down.

In September, the strike was renewed, more explosive on all sides than the last one, because nothing had changed since July. Bruno Moro, the U.N. delegate in Colombia, called on everyone to come to the table and resolve the crisis, describing the conflict as the result of no one creating conditions for dialogue. The workers have again returned to work because of agreements by the government to open talks with the company. This time, I hope the government keeps its word.

Mr. Speaker, nothing I saw in Colombia indicated things have changed for the better on the ground for Colombia's workers. Before we take up the FTA, we must demand concrete improvements in labor rights and security for Colombia's workers. Whatever we're doing now isn't working, it isn't making a difference, and it simply isn't enough.

[From Associated Press, Oct. 2, 2011]

STUDY: COLOMBIA ANTI-UNION VIOLENCE  
UNDETERRED  
(By Frank Bajak)

BOGOTA, COLOMBIA.—A new study challenges claims from the administration of President Barack Obama that Colombia is making important strides in bringing to justice killers of labor activists and so deserves U.S. congressional approval of a long-stalled free trade pact.

The Human Rights Watch study found “virtually no progress” in getting convictions for killings that have occurred in the past 4½ years.

It counted just six convictions obtained by a special prosecutions unit from 195 slayings between January 2007 and May 2011, with nearly nine in 10 of the unit’s cases from that period in preliminary stages with no suspect formally identified.

Democrats in the U.S. Congress have long resisted bringing the Colombia trade pact to a vote, citing what they said is insufficient success in halting such killings.

The White House disagrees, and says Colombia has made significant progress in addressing anti-unionist violence.

It is pushing for congressional approval as early as this week of the Colombia agreement along with pacts with South Korea and Panama, something the Republicans endorse and that they say will increase U.S. exports by \$13 billion a year and support tens of thousands of jobs.

U.S. Trade Representative Ron Kirk recently said the trade agreements are “an integral part of the President’s plan to create jobs here at home.”

But in Colombia, the world’s most lethal country for labor organizing, the killings haven’t stopped. At least 38 trade unionists have been slain since President Juan Manuel Santos took office in August 2010, says Colombia’s National Labor School.

“A major reason for this ongoing violence has been the chronic lack of accountability for cases of anti-union violence,” Human Rights Watch said in a letter sent Thursday to Colombian Chief Prosecutor Viviane Morales that details the study’s findings.

Convictions have been obtained for less than 10 percent of the 2,886 trade unionists killed since 1986, and the rights group said it found “severe shortcomings” in the work of a special unit of Morales’ office established five years ago to solve the slayings. The letter says the unit has demonstrated “a routine failure to adequately investigate the motive” in labor killings as well as to “bring to justice all responsible parties.”

A chief finding: The 74 convictions achieved over the past year owe largely to plea bargains with members of illegal far-right militias who confessed to killings in exchange for leniency.

They did so under the so-called Justice and Peace law that gave paramilitary fighters reduced prison sentences of up to eight years in exchange for laying down their arms and confessing to crimes. That law expired at the end of 2006, the year the free trade pact was signed.

Only in a handful of cases did prosecutors pursue evidence that the paramilitaries who confessed acted on the orders of politicians, employers or others, Human Rights Watch says.

Prosecutors “made virtually no progress in prosecuting people who order, pay, instigate or collude with paramilitaries in attacking trade unionists,” the letter states. “What is at stake is the justice system’s ability to act as an effective deterrent to anti-union violence.”

Of the more than 275 convictions handed down through May, 80 percent were against

former members of the United Self-Defense Forces of Colombia, or AUC. The head of international affairs in the chief prosecutor’s office, Francisco Echeverri, told the AP that it has put 513 people in prison.

In nearly half of 50 recent convictions reviewed by Human Rights Watch, the judges cited “evidence pointing to the involvement of members of the security forces or intelligence services, politicians, landowners, bosses or coworkers.” Yet in only one of those cases was such an individual convicted.

In the case of a gym teacher and union activist killed in the northwestern town of San Rafael in 2002, one of the paramilitaries who confessed to the crime said it was committed at the request of the mayor, according to the judge’s decision.

The man who was mayor at the time and was re-elected in 2008, Edgar Eladio Giraldo, is not being formally investigated and has not been questioned about the killing, said Hernando Castaneda, chief of the special unit.

“I have no knowledge of that and did not know that I was involved in that,” Giraldo told The Associated Press by telephone when asked about the killing of Julio Ernesto Ceballos.

A spokeswoman for Chief Prosecutor Morales said Sunday that her boss had not yet seen the Human Rights Watch letter.

Dan Kovalik of the United Steel Workers said the study’s findings and the continued killings “prove what labor is telling the White House: The labor rights situation in Colombia is not improving, and passage of the FTA is not appropriate.”

A memo soon to be released by the AFL-CIO deems Colombia noncompliant with the “Labor Action Plan” Santos and Obama agreed to in April as a condition for White House approval of the free trade pact.

In the memo, shown to the AP, the labor federation finds neither “economic, political, or moral justification for rewarding Colombia with a free trade agreement.”

Deputy Assistant U.S. Trade Representative Nkenge Harmon said Friday when presented with the study’s findings that Colombia’s record prosecuting “perpetrators of violence” against labor activists “has improved significantly,” though she added that Colombian officials acknowledge more needs to be done.

Harmon also stressed that additional Colombian resources are being dedicated to the issue and that the U.S. government “is working intensively with them through training and support.”

Human Rights Watch acknowledged that annual trade unionists killings are only a quarter of what they were a decade ago. And it applauded some measures taken by Chief Prosecutor Morales, including her announcement that an additional 100 police investigators would be assigned to the special investigative unit.

But HRW regional director Jose Miguel Vivanco said “the challenge (Morales) is facing remains huge.”

A U.S. congressman who has met with various Colombian presidents on human rights issues, Jim McGovern, a Democrat from Massachusetts, doesn’t think enough has been done to reverse what he called a “dismal” record.

Said McGovern: “My worry is that if you approve the FTA at this particular point you remove all the pressure off the powers that be in Colombia to actually make a sincere, honest and concerted attempt to improve the situation.”

#### A STATEMENT OF CONSCIENCE

The SPEAKER pro tempore. The Chair recognizes the gentleman from Virginia (Mr. WOLF) for 5 minutes.

Mr. WOLF. My conscience has compelled me to come to the floor today to voice concerns I have with the influence Grover Norquist, the president of Americans for Tax Reform, has on the political process in Washington. My issue is not with ATR’s goal of keeping taxes low. Like Ronald Reagan said, and I believe, “The problem is not that the people are taxed too little; the problem is that government spends too much.”

I want to be perfectly clear: I do not support raising taxes on the American people. My concern is with the other individuals, groups and causes with whom Mr. Norquist is associated that have nothing to do with keeping taxes low.

Among them:

One, Mr. Norquist’s relationship with Jack Abramoff. Mr. Abramoff essentially laundered money through ATR and Mr. Norquist knew it.

Two, his association and representation of terrorist financier and vocal Hamas supporter Abdurahman Alamoudi. He also is associated with terrorist financier Sami al-Arian, who pled guilty in 2006 to conspiring to provide services to Palestinian Islamic jihad.

Three, Mr. Norquist’s lobbying on behalf of Fannie Mae.

Fourth, Mr. Norquist’s representation of the Internet gambling industry.

Fifth, Mr. Norquist’s advocacy of moving Guantanamo Bay detainees to the United States, including 9/11 mastermind Khalid Sheikh Mohammed.

Simply put, I believe Mr. Norquist is connected with or has profited from a number of unsavory people and groups out of the mainstream. I also believe that Mr. Norquist has used the ATR “pledge” as leverage to advance other issues that many Americans would find inappropriate and, when taken as a whole, should give people pause.

I raise these concerns today in the context of dealing with the future of our country. America is in trouble. Unemployment is over 9 percent. Housing values continue to decline. Retirement accounts are threatened. The American people are worried. Yet Washington is tragically shackled in ideological gridlock. Some are dead set against any change to entitlement programs, while others insist that any discussion of tax policy is off the table.

We are at a point today that the tsunami of debt in America demands that every piece of the budget be scrutinized, and that means more than just cutting waste, fraud and abuse and discretionary programs. The real runaway spending is occurring in our out-of-control entitlement costs and the hundreds of billions in annual tax earmarks in our Tax Code. Until we reach an agreement that addresses those two drivers of our deficit and debt, we cannot right our fiscal ship of state. Everything must be on the table, and I believe how the “pledge” is interpreted and enforced by Mr. Norquist is a roadblock to realistically reforming our Tax Code.

When Senator TOM COBURN recently called for eliminating the special interest ethanol tax subsidy, who led the opposition? Mr. Norquist. Have we already forgotten the battle over earmarks from last year? Unlike an earmark included in an annual appropriations bill, tax earmarks are far worse because, once enacted, they typically exist in perpetuity. Have we really reached a point where one person's demand for ideological purity is paralyzing Congress to the point that even a discussion of tax reform is viewed as breaking a no-tax pledge?

I understand that some may not agree with what I say. I know many are not aware of Mr. Norquist's associations. But my conscience compels me to speak out today. Reasonable people can differ on the merits of pledges—and I respect those differences—but the issue is with the interpreter and the enforcer of a pledge. William Wilberforce, the British parliamentarian and abolitionist, famously told his colleagues: "Having heard all of this, you may choose to look the other way, but you can never again say you did not know."

I urge my colleagues to read my full statement in the RECORD, which will also be posted on my Web page, going into greater detail on the issues I have raised.

#### A STATEMENT OF CONSCIENCE

Mr. Speaker, every day, brave men and women in our armed forces and their families are sacrificing for our country—many making the ultimate sacrifice. Despite the danger, they rise to the occasion. At this time of political and economic crisis, will the Congress and the president match their courage? Will we rise to the occasion?

Every member of Congress and the president know the dire economic situation facing our country. A debt load well over \$14.5 trillion. Annual deficits over \$1 trillion.

A separate but some believe even more important challenge is addressing the over \$62 trillion in unfunded obligations and liabilities on the books for entitlements including Social Security, Medicare and Medicaid.

We always say we want to leave our country better than we found it and to give our children and grandchildren hope for the future. But if we do not change course, the debt burden will crush future generations. Every penny of the federal budget will go to interest on the debt and entitlement spending by 2028. Every penny. That means no money for our national defense. No money for homeland security. No money to fix our nation's crumbling infrastructure. No money for cancer research.

The uncertainty about our nation's economic future is undermining employer and consumer confidence, preventing the recovery we so desperately need to get Americans back to work.

According to the most recent jobs data, the economy failed to add a single net job during August 2011. Not one. The nation's unemployment rate continues to hover above 9 percent.

We hear from our constituents every day that they are worried about their jobs. They are worried about the value of their houses. They are worried about their investments and retirement plans.

Furthermore, we face these challenges not in a vacuum, but in an increasingly competitive and dangerous world filled with those who would stand to benefit from an America in decline. Among our biggest "bankers" are China—which is spying on us, where human rights are an afterthought, and Catholic bishops, Protestant ministers and Tibetan monks are jailed for practicing their faith—and oil-exporting countries such as Saudi Arabia, which funded the radical madrasahs on the Afghan-Pakistan border resulting in the rise of the Taliban and al Qaeda.

At a time when strong leadership is needed to address this fiscal crisis, it is unfortunate that President Obama has continually failed to lead by example. He even walked away from the recommendations of his own fiscal commission.

And just last month, on September 16, the Washington Post reported that President Obama is once again walking away from any serious effort to address the deficit and debt by removing any discussion of Social Security from the debt negotiations. Once again, the president is not only failing to lead, but obstructing the process to find a bipartisan agreement on deficit reduction.

The president and some on the other side of the aisle say that this debt crisis is because Americans are undertaxed. In fact, the president just proposed paying for another round of temporary stimulus spending by permanently limiting charitable tax deductions. He knows that even members of his own party would never support this. I don't support this either.

Like President Reagan said, and I believe, "The problem is not that people are taxed too little, the problem is that government spends too much." There is no question that the real problem is overspending, especially on runaway entitlement costs and through hundreds of billions of so-called tax expenditures.

It is no secret that our inefficient and burdensome tax code is undermining consumer and business confidence further weakening our fragile economic recovery. Comprehensive tax reform is needed now more than ever to rid our tax code of earmarks and loopholes that promote crony capitalism and let Washington pick winners and losers.

Yet we sit here today shackled in ideological gridlock. Some insist that any discussion of tax policy is off the table. Others reject any change in entitlement programs.

On the Democrat side, MoveOn.org and other liberal interests tie the hands of Democrat members, threatening them should they break ranks on any deficit reduction plan that touches social programs.

On the Republican side, Grover Norquist holds up the Americans for Tax Reform's Taxpayer Protection Pledge to block even the mention of putting tax reform on the table for discussion as part of a deficit reduction agreement.

For over five years I have pushed bipartisan legislation to set up an independent commission to develop a comprehensive deficit reduction package that would require an up-or-down vote by the Congress. I have said that the enormity of the crisis we face demands that everything must be on the table for discussion—all entitlement spending, all domestic discretionary spending, and tax policy; not tax increases, but reforms to make the tax code simpler and fairer and free from special interest earmarks.

I have supported every serious effort to resolve this crisis: the Bowles-Simpson recommendations, the "Gang of Six" effort, and the "Cut, Cap and Balance" bill—including the Balanced Budget Amendment. None of these solutions were perfect, but they all took the steps necessary to rebuild and protect our economy.

Powerful special interests continue to hold this institution hostage and undermine every good faith effort to change course.

#### POLITICAL PLEDGES

Some may ask: what's the big deal in signing a pledge by a special interest group to articulate a candidate's position on a political issue?

Pledges are not new to politics, but conservatives have long recognized their danger. In 1774 during an address to the electors of Bristol, the father of conservatism, Edmund Burke, refused to bind himself to a pledge during the campaign and renounced their "coercive authority."

Burke said that an elected representative's "unbiased opinion, his mature judgment, his enlightened conscience, he ought not to sacrifice to you, to any man, or to any set of men living. . . . They are a trust from Providence, for the abuse of which he is deeply answerable. Your representative owes you, not his industry only, but his judgment; and he betrays, instead of serving you, if he sacrifices it to your opinion."

More recently, preeminent American conservative academic Russell Kirk identified the principal qualities of a conservative leader. Kirk urged conservatives to follow Burke's example and to be prudent. According to Kirk, "to be 'prudent' means to be judicious, cautious, sagacious. Plato, and later Burke, instruct us that in the statesman, prudence is the first of the virtues. A prudent statesman is one who looks before he leaps; who takes long views; who knows that politics is the art of the possible."

Conservatives of all people should not be locked into any ideological position. We are bearers of a conservative tradition. Conservatism is not an ideology; it's not doctrine or dogma. It is a way of seeing life. It draws on the wisdom of the past to view events of the present. We all stand on the shoulders of the great people who have gone before us. That is why G. K. Chesterton described our experiment as "democracy of the dead" because we care about the foundation laid by our forefathers.

Burke's wisdom was succinctly summarized by Governor Jeb Bush, who told the Washington Post's Michael Gerson in July, "I never raised taxes. I'm pro-life. But I don't recall signing any of those pledges. You don't hide your beliefs. You persuade people. You win or lose. And if you win, you are not beholden to anyone or anything other than your own beliefs."

I don't sign or support political pledges. Reasonable people can disagree about the philosophical merits of signing pledges—and I respect those differences. But even for those who do, I think everyone can recognize that the real danger of pledges lies with the ideologues who claim ownership of the interpretation and enforcement of the pledge.

Since 1986, Grover Norquist has asked every candidate for office to sign the "Taxpayer Protection Pledge." He is the owner of the pledge, which he says binds the signer in

perpetuity to oppose any and all tax increases, as determined solely by Norquist. He even locks the pledges in a safe. He has become the self-anointed protector and if anyone dares challenge him, be prepared for retribution.

Jason Horowitz, in a July 12 Washington Post article reported: "The sacred texts from which Grover Norquist draws his political power are hidden in a secret fireproof safe."

He quotes Norquist: "I keep the originals in a vault, in case D.C. burns down. When someone takes the pledge, you don't want it tampered with; you don't want it destroyed."

In his own words in the October 2011 edition of *The American Spectator*, Norquist says, "Take the Pledge, win the primary. Take the Pledge, win the general. Break the Pledge, lose the next election."

Columnist Robert Samuelson, in a July 10 Washington Post piece pointed out, "just in case you hadn't noticed, no one has elected Grover Norquist to anything. Still, he looms as a major obstacle to Congress reaching a deficit-reduction agreement. . . ."

Samuelson continued: "[B]ut what's revealing about Norquist's passionate advocacy is that it virtually ignores the main causes of bigger government: Social Security and Medicare."

I agree that entitlement spending is the 800-pound gorilla in the room. The hundreds of billions in annual tax earmarks in our tax code also must be dealt with. Until we reach an agreement that addresses these two drivers of our deficits and debt, we cannot right our fiscal ship of state.

We are at a point today that the tsunami of debt in America demands that every slice of the budget be scrutinized. As I said before, everything must be on the table.

Have we really reached a point where one person's demand for ideological purity is paralyzing Congress to the point that even a discussion of tax reform is viewed as breaking a no-tax pledge?

It is curious that Norquist is president of Americans for Tax Reform, yet his purist pledge has no mention of working to reform the tax code to make it simpler and fairer to average American taxpayers.

#### ATTACKS ON CONGRESS

We recently witnessed Norquist's zealotry in action as he worked to stop Senator TOM COBURN's call for eliminating the ethanol tax subsidy. Senator COBURN signed Norquist's pledge, but he dared to call for a change in the tax code to eliminate spending through the tax code.

In signing the pledge, a candidate promises to: "one, oppose any and all efforts to increase the marginal income tax rates for individuals and/or businesses; and two, oppose any net reduction or elimination of deductions and credits, unless matched dollar for dollar by further reducing tax rates."

In Mr. Norquist's way of thinking, for Senator Coburn to pursue a change in the tax code to cut a tax earmark, he was breaking the pledge. Norquist accused this honorable member of Congress of lying his way into office.

In his recent report, *Back to Black*, Senator Coburn identified nearly \$1 trillion in annual spending through the types of tax earmarks that Grover Norquist defends. Many of these earmarks are designed to benefit special interests. NASCAR, dog and horse tracks, tackle box makers, railroads, mohair producers,

hedge fund managers, ethanol producers, automakers, and video game developers—all receive tax breaks which subsidize their businesses.

A September 10, 2011, New York Times article reported, "the federal government gave \$123 billion in tax incentives to corporations in 2010, according to the Joint Committee on Taxation." The article highlighted one example of unnecessary and wasteful tax earmarks, stating that tax "breaks for the video game industry—whose domestic sales of \$15 billion a year now exceed those of the music business—are a vivid example of a tax system that defies common sense."

But, according to Mr. Norquist's pledge, anyone who opposes the myriad of tax subsidies that allowed General Electric to avoid paying taxes last year would violate "the pledge." The average American family last year paid more in taxes than GE, which has aggressively offshored thousands of jobs to China and has been actively transferring American technology to the Chinese government, according to an August 23, 2011, article in *The Washington Post* by Howard Schneider.

Have we already forgotten the battle over earmarks from last year? Unlike an earmark included in an annual appropriations bill, these "tax earmarks" are far worse because once enacted they exist in perpetuity. Tax earmarks last for multiple spending cycles—piling up as special interest lobbies succeed in getting more special treatment for their clients. At the end of the day, whether a spending earmark or a tax earmark, the federal government is picking winners and losers, and the losers are hard-working Americans who are looking to us to reduce their tax rates.

I stand with Senator COBURN. I don't want to increase marginal tax rates on hard-working Americans; I want to lower them by ridding the tax code of the loopholes and special interest earmarks. If we can reform the code in that way, we can lower marginal tax rates.

I would submit that Mr. Norquist has every interest in protecting these special interest tax earmarks because that is how he earns his living. A review of his lobbying disclosure forms demonstrate how many special interest issues he lobbies on and how little they have to do with reforming the tax code to lower tax rates on all Americans.

I would also submit that Mr. Norquist's pledge—which candidates sign to indicate their opposition to tax increases—has morphed into a powerful mechanism for Mr. Norquist to ensure that favored tax earmarks to select industries remain untouched, thus preventing comprehensive tax reform.

I believe it is fair to ask: just who is Grover Norquist and how has he amassed such perceived political power inside Washington?

Numerous federal investigations, reports, and public documents point to Grover Norquist using his network of organizations—Americans for Tax Reform (ATR), his former and now defunct lobbying firm Janus-Merritt Strategies, and the Islamic Free Market Institute—in questionable ways, raising money in business activities with people who have been in serious criminal trouble.

A survey of Mr. Norquist's associates reveals that some of his closest business partners and clients have been convicted of crimes and have served time in prison or are currently serving, including Jack Abramoff,

David Safavian, and Dickie Scruggs, as well as convicted terrorist supporters Abdurahman Alamoudi and Sami Al-Arian.

More recently, according to news reports, Mr. Norquist has been an outspoken advocate for moving Guantanamo Bay detainees to the United States, including 9/11 mastermind Khaled Sheikh Mohammed to New York City. He also interjected himself into the debate about the proposed "Ground Zero Mosque" last summer.

I want to be clear: I raise these issues not just because Mr. Norquist's associates may be unsavory people. There are many lobbyists in Washington who represent clients of all stripes and backgrounds. But my concern arises when the appearances of impropriety are raised over and over again with a person who has such influence over public policy. That, I believe, should give any fair-minded person pause.

#### ABRAMOFF SCANDAL

Norquist's role in the Jack Abramoff scandal has been well documented by federal investigators, including the Senate Committee on Indian Affairs' 2006 report, *Gimme Five—Investigation of Tribal Lobbying Matters*. Investigators found that Messrs. Norquist and Abramoff developed a secretive relationship under which Mr. Abramoff directed the Choctaw tribe to make payments to Americans for Tax Reform, which, in turn, transferred the money to Ralph Reed's advocacy firm—after taking a "management fee," which averaged \$25,000 per transaction, for agreeing to serve as Abramoff's conduit, according to the committee's report.

According to the same Senate report, "Abramoff said that keeping the arrangement with Norquist and ATR a secret was important. After all, Abramoff wrote '[w]e do not want opponents to think we are trying to buy the tax payer [sic] movement.'"

Again, according to the Senate report, "On May 20, 1999, Norquist had asked Abramoff, 'What is the status of the Choctaw stuff. I have a \$75K hole in my budget from last year. Ouch [sic].' Thus in the fall of 1999, Abramoff reminded himself to 'call Ralph [Reed] re Grover doing pass through.' When Abramoff suggested the Choctaw start using ATR as a conduit, the Tribe agreed."

In February 2000, according to the Senate report, Mr. Abramoff contacted Mr. Reed in advance of a series of \$300,000 payments to ATR to warn him that, "I need to give Grover something for helping, so the first transfer will be a bit lighter."

The degree to which Mr. Norquist was financially benefiting by laundering Mr. Abramoff's money was detailed in the Senate report:

"On February 17, 2000 Abramoff advised Reed that 'ATR will be sending a second \$300K today.' This money, too, came from the Choctaw. Norquist kept another \$25,000 from the second transfer, which apparently surprised Abramoff."

"On March 2, 2000, Abramoff told [Choctaw liaison] Rogers that he needed 'more money asap' for Reed, and requested 'a check for \$300K for Americans for Tax Reform asap.'"

"Abramoff's executive assistant Susan Ralston asked him, 'Once ATR gets their check, should the entire \$300k be sent to the Alabama Christian Coalition again?'"

"Abramoff replied, 'Yes, but last time they sent \$275K, so I want to make sure that before we send it to ATR I speak with Grover to confirm.'"

Weekly Standard editor Matthew Continetti wrote in his book, *The K Street Gang*, that “between 1995 and 2002 the Mississippi Choctaw donated about \$1.5 million to Americans for Tax Reform.” Mr. Abramoff also instructed his other clients to make regular donations to ATR, according to Continetti’s book. However, the cumulative amount is unknown because Mr. Norquist refuses to identify ATR’s clients, Continetti states.

According to Continetti, during the same period, Mr. Norquist was intimately involved with the questionable activities surrounding other Abramoff clients, including the Marianas Islands, which is prominently featured in the documentary *Casino Jack*. As one participant in Mr. Norquist’s Wednesday Group meetings—a weekly gathering of Mr. Norquist’s invited guests—noted, following Mr. Norquist’s collaboration with Mr. Abramoff, “All of a sudden the Marianas shows up as one of [ATR’s] number-one priority issues,” Continetti writes.

“[The Norquist-Abramoff strategy] was about co-opting conservative journalists and intellectuals,” wrote Continetti. “As outlined in his retrospective memo, Abramoff knew from the start that a good lobbyist not only targeted lawmakers, he also targeted opinion makers. So representatives were dispatched to Norquist’s Wednesday Meetings to preach the gospel . . . When [Abramoff’s clients] visited the United States, Abramoff would not only make sure to shepherd them to Grover Norquist’s Wednesday Meetings. He also billed them thousands of dollars for ‘discussions’ with Norquist. He billed the Marianas for the airfare to send staff members of Americans for Tax Reform to Saipan. From *National Journal*: ‘According to sources familiar with ATR finances, the group sent Marianas officials a bill for \$10,000 at least once in the mid-1990s for attendance at Norquist’s tax policy dinners.’ It paid to be a friend of Jack Abramoff.”

#### IGNORING SUBPOENAS

It is also noteworthy that Mr. Norquist and Americans for Tax Reform repeatedly refused to comply with the congressional subpoenas for additional information regarding their role in the Abramoff affair, according to an April 21, 2005, article in *Roll Call*.

Additionally, Mr. Norquist refused to comply with an earlier congressional subpoena according to a 1998 Senate Governmental Affairs report, which found Americans for Tax Reform in violation of its tax-exempt status.

Given Norquist’s questionable role in the Abramoff scandal, his refusal to comply with congressional subpoenas is all the more troubling.

#### TERRORIST CONNECTIONS

Not only was Mr. Norquist entangled with the criminal dealings of Jack Abramoff, but documentation shows that he has deep ties to supporters of Hamas and other terrorist organizations that are sworn enemies of the United States and our ally Israel.

According to Senate lobbying disclosure records of his now defunct lobbying firm, Janus-Merritt Strategies, around the years 2000 and 2001 Mr. Norquist’s firm represented Abdurahman Alamoudi, who was convicted two years later for his role in a terrorist plot and who is presently serving a 23-year sentence in federal prison.

Court documents and a October 15, 2004, Department of Justice press release reveal that Alamoudi, the president of the American

Muslim Council, was arrested at Dulles Airport in September 2003 upon returning to the U.S. after participating in a Libyan plot to assassinate the Saudi Crown Prince Abdullah. “Alamoudi participated in recruiting participants for this plot by introducing the Libyans to two Saudi dissidents in London and facilitating the transfer of hundreds of thousands of dollars of cash from the Libyans to those dissidents to finance the plot,” the release said.

According to the DOJ press release, Alamoudi, a naturalized citizen, pled guilty to three federal offenses: One count of violating the International Emergency Powers Act; One count of false statements made in his application for naturalization; A tax offense involving a long-term scheme to conceal from the IRS his financial transactions with Libya and his foreign bank accounts and to omit material information from the tax returns filed by his charities.

It is important to point out that Alamoudi’s ties to terrorist groups were no secret prior to his arrest.

Alamoudi spoke at an October 2000 rally in front of the White House in support of Hamas and Hezbollah during the period he was represented by Norquist’s firm, according to Senate lobbying disclosure records. The “Rally Against Israeli Aggression” was sponsored by Norquist’s Islamic Free Market Institute, according to a September 2000 “Islamic Institute Friday Brief.” The Islamic Free Market Institute was created by Grover Norquist and operated out of his Americans for Tax Reform office in Washington, thanks to sizable start-up contributions from Alamoudi, according to a March 11, 2003, article in the *St. Petersburg Times* by Mary Jacoby.

I have seen video from the rally, where Alamoudi roared from the stage:

“I have been labeled by the media in New York to be a supporter of Hamas, anybody supports Hamas here?”

[Crowd cheers, “Yes!”]

“ . . . Hear that, Bill Clinton, we are all supporters of Hamas, Allahu Akbar.”

“I wish they added that I am also a supporter of Hezbollah. Anybody supports Hezbollah here?”

[Crowd cheers, “Yes!”]

A few months after the Lafayette Park rally, Alamoudi was photographed in Beirut at a conference attended by representatives of the terror groups Hamas, Islamic Jihad, Hezbollah and al-Qaida, also according to the March 2003 *St. Petersburg Times* article.

In addition to Alamoudi’s outspoken support for Hamas and Hezbollah, he expressed private support for the 1994 terrorist attack against a synagogue in Buenos Aires, Argentina, which killed 85 people and injured hundreds, according to a December 17, 2003, article in *The American Spectator* by Shawn Macomber, who reported: “In a wiretapped conversation made public in the recent criminal complaint, he (Alamoudi) praises a 1994 bombing in Buenos Aires. ‘The Jewish Community Center. It is a worthy operation,’ Alamoudi tells an unidentified man, in Arabic. ‘I think that the attacks that are being executed by bin Laden and other Islamic groups are wrong, especially hitting the civilian targets. Many African Muslims have died and not a single American has died. I prefer to hit a Zionist target in America or Europe . . . I prefer honestly like what happened in Argentina.’”

According to a June 11, 2003, *Wall Street Journal* article by reporters Tom Hamburger

and Glenn Simpson, around 1999 Alamoudi sent his deputy at the American Muslim Council, Khaled Saffuri, to work directly for Mr. Norquist to establish the Islamic Free Market Institute—one of the groups that sponsored the October 2000 rally in Lafayette Park. The institute, chaired by Norquist and led by Saffuri, operated out of the Americans for Tax Reform offices here in Washington, according to the March 2003 article in the *St. Petersburg Times*.

The Senate Indian Affairs Committee report revealed that Saffuri was closely tied to Mr. Norquist and the Abramoff scandal and received money from Abramoff and a front group, the American International Center (AIC), to partner with Abramoff’s firm Greenberg Traurig on his “Malaysian-related interests and issues.”

Mr. Norquist also associated with terror financier Sami Al-Arian, according to Mary Jacoby’s reporting in March 2003, in the *St. Petersburg Times*. Al-Arian pled guilty in 2006 “to a charge of conspiring to provide services to the Palestinian Islamic Jihad (PIJ), a specially designated terrorist organization, in violation of U.S. law,” and is under house arrests, according to a Department of Justice press release. The Palestinian Islamic Jihad’s “paramilitary wing—the al-Quds Brigades—has conducted numerous attacks, including large-scale suicide bombings,” according to the National Counterterrorism Center.

Who is Sami al-Arian? An October 2003 federal affidavit noted that Al-Arian had longstanding connections to associates of al Qaeda. According to the affidavit, “Sheik Rahman (the ‘Blind Sheik’) visited Al-Arian at his residence in Tampa and spoke at his mosque.” Rahman is currently serving a life sentence in U.S. prison for his role in the 1993 World Trade Center attack and additional terror plots. The federal affidavit also disclosed Al-Arian’s ties with Alamoudi.

Al-Arian’s relationship with Mr. Norquist appears to have spanned several years. Prior to his arrest in February 2003, Sami Al-Arian visited Norquist’s office in Washington for a meeting, also reported in the June 11, 2003, article in the *Wall Street Journal*. According to Continetti, Mr. Al-Arian also “cc’d Norquist on an e-mail he sent to the *Wall Street Journal* protesting an editorial that had pointed out his terrorist connections.”

Mr. Norquist himself served as a key facilitator between Al-Arian, Alamoudi and the White House, according to Mary Jacoby’s reporting in March 2003 in *The St. Petersburg Times*. She reported that “In June 2001, Al-Arian was among the members of the American Muslim Council invited to the White House complex. . . The next month, the National Coalition to Protect Political Freedom—a civil liberties group headed by Al-Arian—gave Norquist an award for his work to abolish the use of secret intelligence evidence in terrorism cases.”

#### OPPOSING THE PATRIOT ACT

Mr. Norquist also has been an outspoken supporter of Al-Arian’s effort to end the use of classified evidence in terror trials. In fact, Norquist was scheduled to lead a delegation to the White House on September 11, 2001, that included a convicted felon and some who would later be identified by federal law enforcement as suspected terrorist financiers.

According to a Arab American Institute 2002 report, “Healing the Nation,” “[o]n the day of



the terrorist attacks, Arab American and Muslim American leaders were already in Washington, D.C. for a previously scheduled meeting with President Bush to discuss the use of 'secret evidence' in certain immigration proceedings and racial profiling of Arab Americans at the nation's airports and security checkpoints."

I have seen the list of attendees for the scheduled meeting. Among those listed:

Madhi Bray, a convicted felon who was found guilty of drug and fraud charges in the 1980s. Bray appeared cheering on stage with Alamoaudi at the October 2000 rally in Lafayette Park as Alamoaudi declared his support for Hamas and Hezbollah.

Omar Ahmed, co-founder of the Council on American Islamic Relations (CAIR). According to an April 18, 2011, Politico article by Josh Gerstein, "Federal prosecutors . . . have introduced evidence in court of Ahmad's attendance at a 1993 meeting in Philadelphia that the FBI contends was a gathering of Hamas supporters seeking to undermine the Middle East peace process. Prosecutors [in the Holy Land Foundation case] have also presented documents that appear to show CAIR as part of a network of Muslim Brotherhood organizations in the U.S."

The list provided to the White House by Norquist's Islamic Institute included representatives from each of Norquist's organizations, including a Janus-Meritt lobbyist. At the top of the list: Grover Norquist, representing Americans for Tax Reform.

According to a June 11, 2003, Wall Street Journal article by reporters Tom Hamburger and Glenn Simpson, "Mr. Norquist helped secure a promise from presidential candidate Bush to moderate federal policy on investigating suspected illegal immigrants. In a nationally televised debate on Oct. 11, 2000, Mr. Bush said: 'Arab-Americans are racially profiled in what's called secret evidence . . . We've got to do something about that.' Since the Sept. 11 attacks, the White House has abandoned that promise, as the Justice Department has aggressively pursued prosecutions of Muslims allegedly supporting terrorism."

Mr. Norquist has also led efforts over the last decade to weaken and repeal the PATRIOT Act, working closely with liberal groups such as the American Civil Liberties Union, according to a February 20, 2008, profile on Norquist in the Washington Examiner, "A former lobbyist with the American Civil Liberties Union said privately that Norquist won her over when they joined forces to oppose the Bush administration's Patriot Act and warrantless wiretapping. 'I was initially skeptical,' she said, 'but I knew there was common ground on this issue and that we would be most powerful if we united.'"

#### GUANTANAMO BAY DETAINEES

More recently, Mr. Norquist has become an outspoken advocate for moving Guantanamo Bay detainees to the United States. According to a November 16, 2009, Huffington Post article by Sam Stein, Norquist led a public campaign to undermine Republican-led efforts to block the Obama Administration's transfer of 9/11 mastermind Khaled Sheikh Mohammed to New York City and other terrorist detainees to Thompson Prison in Illinois, the first time terrorists would be held indefinitely inside the United States.

The article reported that Mr. Norquist wrote that, "moving suspected terrorists to the

Thomson, Illinois prison facility, 'makes good sense.' Taxpayers, [Norquist wrote], have already invested \$145 million in the facility, which has been 'little used.' The scare-mongering about these issues should stop," [Norquist wrote], noting that there is 'absolutely no reason to fear that prisoners will escape or be released into their communities.'

Why is Mr. Norquist, head of Americans for Tax Reform, advocating for one of President Obama's top campaign promises? His efforts fly in the face of near-unanimous congressional opposition to providing al Qaeda terrorists with civilian trials in U.S. courts.

#### GROUND ZERO MOSQUE

Mr. Norquist also interjected himself into the debate about the proposed "Ground Zero Mosque" last summer, calling legitimate concerns about the location a "Monica Lewinsky ploy" by Republicans, according to an August 18, 2010, report by Michael Scherer on Time magazine's Web site. Mr. Norquist further trivialized the concerns saying that Republicans were, "distracted by shiny things."

Mr. Norquist even used Americans for Tax Reform to circulate a petition in support of the "Ground Zero Mosque." Patrick Gleason, director of state affairs for Americans for Tax Reform, wrote an August 17, 2010, letter to state affiliates urging them to share the petition with their coalition.

Why would Americans for Tax Reform circulate a petition in support of the "Ground Zero Mosque?" For the families of those who lost loved ones on 9/11 or during operations in the War on Terror, concerns about the "Ground Zero Mosque" were neither a ploy nor a distraction, as Norquist described it.

#### FANNIE MAE

Some also may not be aware of Mr. Norquist's lobbying for Fannie Mae. Lobbying disclosure records indicate that Norquist's lobbying firm, Janus-Meritt Strategies, also lobbied for the massive government sponsored enterprise that required a large federal bailout.

According to a May 18, 2011, report by Erick Erickson on the conservative Web site, Red State, "in 2000, Janus Meritt received \$120,000 in lobbying fees from Fannie Mae. Mr. Norquist, along with [David] Safavian, was listed as one of the main lobbyists on the Fannie Mae account. In disclosure records, Janus-Meritt says its lobbying activities related to a 'Home ownership tax.' It appears this lobbying work was designed to protect the home-ownership tax credit, which [Fannie Mae executive] Franklin Raines described as key to 'increase homeownership in urban and rural areas.' As many conservatives believe, this credit, which Mr. Norquist and Safavian apparently defended, was a major contributing factor in the housing bubble and mortgage crisis."

#### INTERNET GAMBLING AND CASINOS

Mr. Norquist also has a long history of lobbying to spread Internet gambling. According to public lobbying disclosure reports, Norquist's clients at Janus-Meritt included a variety of gambling organizations, including the Interactive Gaming Council, organized to oppose the Republican-led effort to pass the Internet Gambling Prohibition Act. It is also worth noting that the Interactive Gaming Council was made up of online poker companies, including Full Tilt Poker, which was shut down by the FBI in April and is described by the Justice Department as a "massive Ponzi scheme."

As recently as January 2011, Senate lobby disclosure forms show that Mr. Norquist continues to lobby on expanding Internet poker issues in his capacity as president of Americans for Tax Reform. Why would Mr. Norquist and ATR have an interest in lobbying to overturn the Unlawful Internet Gambling Enforcement Act?

The Washington Times reported on September 21, 2011, that "critics of expanded gambling worry that legalizing online poker will increase gambling addiction and its fallout, such as divorces, bankruptcies and suicides. 'People may not understand how highly addictive it is, when you're alone in your home,' said Jerry Prosapio, co-founder of Gambling Exposed and a self-confessed gambling addict who quit 28 years ago. 'Online gambling is just another way you're going to create more addiction and then you're going to see more crime. It's just no good for America.'"

Mr. Norquist also took money from other gambling interests, like the Venetian Casino Resort, according to a March 31, 2006, article by Michael Kranish in the Boston Globe.

I think it is fair to ask: whose bidding is Grover Norquist doing? Why would Americans for Tax Reform take such a longstanding interest in proliferating gambling in the United States?

#### TRIAL LAWYERS

That same 2006 Boston Globe article reported that, "interviews and copies of Norquist's donor lists, obtained by the Globe, show that contributors include an array of special interests ranging from tobacco companies to Indian tribes to a Las Vegas casino. The biggest surprise is Norquist's largest individual donor: Richard 'Dickie' Scruggs, a Democratic Mississippi trial lawyer, who contributed \$4.3 million. Scruggs had received a \$1 billion fee in the landmark tobacco case against the same tobacco companies that were also Norquist's donors."

The Globe reported that, "Scruggs, like the tobacco companies and some other leading donors, was interested in more than lifting the burdens of the taxpayer. He said he had his own agenda: He wanted Norquist to work to defeat a congressional proposal that he feared would confiscate most of his \$1 billion legal fee in the tobacco case." In 2008, Scruggs pled guilty to trying to bribe a judge and was sentenced to five years in prison.

Why would Mr. Norquist, a self-proclaimed conservative leader, take so much money to represent a major Democrat party donor and advocate for trial lawyers? Mr. Scruggs himself provided one answer, describing Mr. Norquist in the Globe article, "There is an expression, if you need a thief, take him from the gallows."

#### INSULTING FORMER PRESIDENTS

My colleagues may also be surprised at the tenor and arrogance of Mr. Norquist's public attacks on fellow Republican leaders. In an October 2011 piece he authored in the American Spectator, Norquist personally insults two former Republican presidents and a former Republican majority leader and presidential candidate.

Writing about former President George H.W. Bush's decision to break the tax pledge during his term, Norquist lashed out at Bush saying, "Now, no person's life is a complete waste. Some serve as bad examples."

Former President George H.W. Bush is an honorable man who dedicated his life to public service as a congressman, ambassador, director of the Central Intelligence Agency, and

vice president before being elected president. As president he oversaw the end of the Cold War and led the successful liberation of Kuwait. He is also an American hero who enlisted in the U.S. Navy after Pearl Harbor and nearly lost his life after being shot down by the Japanese.

While acknowledging former President George W. Bush's adherence to the pledge, Norquist still makes an indecorous allusion about the president, writing, "He may invade countries he cannot pronounce or find on a map, but he will not raise taxes."

Former President George W. Bush also is an honorable man who served two successful terms as governor of Texas before twice being elected president. He rallied our nation following 9/11 attacks and led sweeping efforts to secure our homeland and disrupt al Qaeda, preventing further terrorist attacks on U.S. soil during his term.

Norquist also boasts of sinking Bob Dole's 1988 presidential campaign, gloating, "Delaware governor Pete du Pont explained that all the other [Republican primary] candidates had signed the pledge and challenged Dole to do so also, offering the pledge to Dole, who visibly recoiled, as if a vampire being tossed a cross. Dole subsequently lost New Hampshire."

Former Senator Dole, too, is an honorable man who served his country as a senator and Republican presidential candidate. Dole also is an American hero who fought in World War II and suffered serious injury from Axis gunfire, leaving his arm paralyzed.

#### MOVING FORWARD

I believe many people were unaware of these troubling connections that I have spoken about. I was surprised when this information came to my attention. I also understand that some may not agree with what I have said in this speech.

But as William Wilberforce, the British parliamentarian and abolitionist, famously told his colleagues, "Having heard all of this, you may choose to look the other way, but you can never say again that you did not know."

I can no longer be silent. I believe the evidence is clear that Grover Norquist is connected with a number of unsavory people and groups out of the mainstream. I also believe he has exploited "the pledge" to the point of being elevated at times by the media as a spokesman for the Republican Party.

How can we ever hope to move our country forward and solve our debt problem if we are paralyzed by a pledge and threats of political retribution for breaking it by someone whose dealings in Washington over several decades have raised serious questions of impropriety? No one should be able to singularly hold Congress hostage with veto power over candidates for public office; above all someone with such troubling associations.

As former Senator Alan Simpson, who co-chaired the Bowles-Simpson deficit reduction commission, said in an August 7, 2011, interview with *Newsweek* "What can [Norquist] do to you? He's not gonna murder you. He won't burn your house. The only thing he can do is defeat you for reelection. If your reelection means more than doing something for the United States of America and getting out of this [debt] hole, then you shouldn't be in Congress."

Barbara Shelly, editorial writer for the *Kansas City Star*, wrote on July 11, 2011: "Wash-

ington, we know, is a planet unto itself. But here in the heartland, it's surreal to watch an unelected guy with a broken ethical compass bring the capital to a standstill and thwart the spirit of compromise that the majority of Americans say they want. Who elected Grover Norquist? He did, that's who. And Washington's political class has not the shame, nor the spine, to send him packing."

As I observe the hardened ideological positions gripping Washington that threaten our nation's future, my conscience has compelled me to share these concerns and provide this information for all to consider.

The American people want us to resolve this debt crisis and they have every right to expect us to follow through. Congress and the president must reach a solution that will bring confidence to the country. This place is dysfunctional and the American people see it. They want action.

I believe we must: (A) reaffirm ourselves to free America of the incredible debt burden that saddles the coming generations; and (B) break loose of not only Mr. Norquist, but any other special interest holding us hostage.

We also need to be honest with the American people and explain that we cannot just solve our nation's financial crisis by cutting waste, fraud and abuse within discretionary accounts. The real runaway spending is occurring in our out-of-control entitlement costs and the hundreds of billions in annual tax earmarks in our tax code. Until we reach an agreement that addresses these two drivers of our deficit and debt, we cannot right our fiscal ship of state.

Some are speculating that our country has gone too far to recover. I emphatically reject that notion. Americans have a spirit and sense of civic duty which was implanted in us from the beginning of this republic. It was this sense that Tocqueville most noticed. He called it the great republican virtue of America—ordinary citizens willing to do the hard work of citizenship, helping their neighbors, sacrificing for the common good, and building a better future for our kids. That's been the hallmark of America.

Have we lost this? I don't think so. We may be tempted to veer off course at times, but America is the same nation filled with the same dedicated, patriotic, God-loving, God-fearing people who carved this nation out a wilderness, and have made it an extraordinary beacon of hope and light in the world like none before it.

The problem in the country is not with the people. The problem in the country is Washington. The system is broken because we have fallen prey to ideologues that have put us in a straight jacket and threaten our futures. I believe we can and will break free because the seriousness of the times demands it.

I am one who believes America's greatest days are still ahead. All we have to do is recover that sense of virtue and duty, and be bold and brave enough to stand up and speak the truth and be true to our conscience.

#### AN ANNIVERSARY NOT TO CELEBRATE

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from California (Ms. WOOLSEY) for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, this week marks an anniversary we must acknowledge, but that we certainly cannot celebrate. This Friday, we will have spent 10 years at war in Afghanistan. We will have spent a decade fighting a war that the American people no longer support. The sobering 10th anniversary is the time for reflection—reflection on how our world has changed in the last 10 years.

□ 1020

This war has consumed an unjustifiable amount of our financial treasure, led to an unprecedented burden on our servicemembers, and changed forever how an entire generation of young people views the world.

This anniversary is the time to reflect on the choices we've made and their impact on the world. Ten years later, we are still building war machines that have the potential to cause devastating harm to innocent people around the world. Ten years later, many of our Nation's best and brightest are coming home with scars, both physical and mental, that they and their families will live with forevermore.

The numbers are against us. After a decade at war, we still have 90,000 soldiers fighting in Afghanistan. More than 1,800 Americans have died. Our Nation has spent \$460 billion on an unwinnable war, and tens of thousands of innocent Afghans and Iraqis have been killed. It is well past the time for us to end this.

In remembering the last 10 years, we must think of the future. My five grandchildren are now part of a generation that has grown up without knowing what it's like to live in a country at peace. Over the past 10 years, we've led our world down a path towards war rather than fighting for peace, rather than fighting for a smarter security plan.

The American people and the global community see the error in our policy, and we are facing increasing scrutiny from our international partners. In fact, not one other government agrees with the U.S.' use of drones. In fact, our European allies have never supported the U.S. drone strikes in Pakistan, Yemen, and Somalia. Instead of heeding their calls, we are expanding the use of this deadly force, creating automatic drones that have the potential to cause unchecked devastation.

I have spoken from this spot 407 times, as you all know because you've heard me so many times, in support of SMART Security—an approach for an end to the war. And I am not alone. I've been joined by colleagues on both sides of the aisle and have been supported by Americans across the country to call for an end of our war and the return of our troops. That's exactly what my SMART Security plan is about—making military force a last resort and, instead, directing our energy and our resources toward diplomacy, democracy promotion, development



aid, and other more powerful, peaceful ways of engaging with the rest of the world.

Mr. Speaker, I hope all of my colleagues will take note of Friday's anniversary and realize that now is the time to turn the tide on our policies in Afghanistan. We need to end this war. We need to do it now. We need to promote peace through democracy. We need to promote peace through diplomacy and development. We must bring our troops home.

#### THE EDA ELIMINATION ACT

The SPEAKER pro tempore. The Chair recognizes the gentleman from Kansas (Mr. POMPEO) for 5 minutes.

Mr. POMPEO. Mr. Speaker, since coming to Congress 9 years ago, I have sadly relearned that the government in Washington D.C. only grows and grows and grows. When Democrats and many Republicans, too, come to the floor of the House and talk about spending cuts, they are often talking simply about slowing the rate of growth of government. There is seldom, if ever, any real discussion about cutting the size of the Federal Government or about eliminating an entire program or agency. But today, with \$14.8 trillion in debt, we can't continue to simply slow the rate of growth. We've got to cut it, and we've got to get rid of some things.

As a first step this week, I will proffer a bill that will eliminate the Economic Development Agency. It's part of the Department of Commerce and was established in 1965 as an element of President Johnson's Great Society. For over 45 years, the EDA has spent billions on local projects, not national projects, trying to pick winners and losers amongst various projects by region, industry, and community. Much like a stimulus bill or earmarks, the EDA provides loans and grants to pet projects of the administration in power.

In 2008, the EDA spent \$2 million on the Harry Reid Research and Technology Park at the University of Nevada, Las Vegas. Just last year, it spent \$25 million on the Global Climate Mitigation Incentive Fund. This year, the agency will spend almost \$300 million of taxpayer dollars. Now, this might not sound like a lot of money sometimes here in Washington, D.C., but in Newton, in Independence, in Wichita, and in Goddard, Kansas, that's still a lot of money.

I want to take just a minute to talk about the EDA. Most folks in Congress and most folks back in Kansas will have never heard of it. I had not before I entered Congress. It provides these grants and loans to projects it selects all over the country. At its very core, the EDA is nothing more than a giant wealth redistribution machine. It takes money from people in one place and at one time and redistributes it all across the country for inherently local projects.

For example, it gave \$2 million to the "culinary amphitheater," wine tasting

room, and gift shop in Washington State. It gave \$350,000 to renovate a theater in Colorado. In 2011, it gave \$1.4 million to build infrastructure development so that a steel plant of \$1.6 billion could be built in Minnesota. Like the vast majority of projects, that steel plant would have been built without Federal taxpayer dollars. It was a \$1.6 billion project helped by the Federal Government to the tune of only \$1.4 million.

Our even bigger problem, however, is with EDA. It's duplicative. It's just one of at least 80 Federal economic development agencies. HUD and Ag and HHS all have economic development grants as well.

Second, it's ineffective. It typically provides a very small part of any given project. The GAO reports that most of its financing did not have any significant effect on the success of projects and produced, at best, inconclusive results and, in some cases, may even detract from a more flexible workforce.

Third, this is an incredibly wasteful agency. It was identified by GAO as one of the agencies that ought to go away. Indeed, a recent inspector general audit of 10 projects totaling \$45 million showed that 29 percent of the grant money had been wasted due to various violations of EDA grant requirements. Four of the 10 projects EDA funded in that group were never completed.

Finally and perhaps more importantly, this is not the role of the Federal Government. As the Cato Institute has written, the Federal Government has no business trying to direct economic activity through politicized subsidy vehicles like the EDA. We've seen that with bad outcomes, like with Solyndra, only too recently.

Every great journey starts with a single step. This is a small agency, but it's time for the first time in decades that we eliminate an entire program, an entire agency, so that it cannot continue to grow and grow and grow as part of our Federal Government. I would ask my colleagues to support the EDA Elimination Act.

#### POVERTY

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from California (Ms. LEE) for 5 minutes.

Ms. LEE of California. Mr. Speaker, as one of the founding members of the congressional Out of Poverty Caucus, I rise today in my ongoing effort to sound the alarm on poverty.

As you may know, the census released data showing that 46.2 million Americans lived in poverty in 2010. The data also revealed that the poverty rate for whites was 9.9 percent in 2010. Worse, the poverty rate for African Americans was 27.4 percent. For Latinos, the poverty rate was 26.6 percent. For Asian Pacific Americans, the poverty rate was 12.1 percent.

These statistics come on the somber anniversary of the 10 years of the war

in Afghanistan, which was a blank check that should not have been written and that, of course, I could not support. In many ways, this war has significantly contributed to these staggering statistics, which we know are not just numbers but are human lives. We must create jobs. We have to create a way to maintain our social safety net.

So today I am here to ask my colleagues to join 47 Members of Congress and me in a letter to the Joint Select Committee on Deficit Reduction, asking them to protect vital programs that comprise our social safety net, including but not limited to Medicaid, Medicare, and Social Security, as well as the programs that provide the economic security and opportunity to millions of Americans.

□ 1030

None of us envy the work of those members on this Joint Select Committee on Deficit Reduction, as they will have to make tough choices that affect the lives of millions of Americans.

However, we should all recognize that for the last 25 years, when we have come to deficit reduction agreements, these agreements have, for the most part, protected low-income programs. We absolutely cannot balance the budget on the backs of the most vulnerable, those people facing or living in poverty. This is really a moral obligation that we cannot ignore.

These programs assist the over-46 million Americans living in poverty in 2010—men, women, children, young and old alike from all backgrounds—in obtaining or maintaining their access to basic, mind you, and I am just talking about basic human needs, including food, shelter and health care. These vital safety net programs both support and create consumers, which results in increased demand and job creation. This, of course, reduces our deficit by enabling people to participate in this economy.

And not only that, many of these programs do provide pathways out of poverty and opportunities for all. More and more Americans are struggling to find work and struggling to make ends meet. And until we create jobs, and we have a way, a pathway where people clearly can be provided these opportunities, we have a real moral obligation to protect these programs. Anything short of this is really un-American.

In times like these, it's unconscionable to consider cutting programs that help those most in need like our Nation's seniors and our Nation's children. Asking the Joint Select Committee for Deficit Reduction to protect these vital human programs is, though, not enough. We have to do more. The most effective anti-poverty program is an effective jobs program.

So while I ask my colleagues to join me on the letter to the Joint Select Committee, I am also here to ask Speaker BOEHNER to move the American Jobs Act as soon as possible to

begin to create jobs and put Americans to work. Americans want to work and they need to work; and yet the House leadership is really focused, as an example, on the dismantling of environmental regulations. This is not a jobs program that puts Americans to work. It's a cynical, opportunistic move in order to attack the environment.

So we have to have as our priority efforts to create jobs that give Americans economic security and that grow our economy. Our economy will not recover quickly from this Great Recession and, of course, Great Depression in many communities of color, including the African American community and for those living in poverty, unless we really do provide a pathway out of poverty.

We need to target these programs in areas that need it the most. Many of these areas are communities of color, where the poverty rates are three times higher than the poverty rate for whites. The unemployment rates are also higher in communities of color: 16.7 percent of African Americans are unemployed, 11.3 percent of Latinos. And these are just the reported statistics. It's clear that we must address these disparities as we work to create jobs and opportunities for all.

So I am asking Members to join us in this deficit reduction letter and urge the Speaker and leadership of this House to move the American Jobs Act as the first step in jump-starting this economy and putting Americans back to work.

Hon. PATTY MURRAY,

*U.S. Senate,  
Washington, DC.*

Hon. MAX BAUCUS,

*U.S. Senate,  
Washington, DC.*

Hon. JOHN KERRY,

*U.S. Senate,  
Washington, DC.*

Hon. JAMES CLYBURN,

*U.S. House of Representatives,  
Washington, DC.*

Hon. XAVIER BECERRA,

*U.S. House of Representatives,  
Washington, DC.*

Hon. CHRIS VAN HOLLEN,

*U.S. House of Representatives,  
Washington, DC.*

Hon. JEB HENSARLING,

*U.S. House of Representatives,  
Washington, DC.*

Hon. DAVE CAMP,

*U.S. House of Representatives,  
Washington, DC.*

Hon. FRED UPTON,

*U.S. House of Representatives,  
Washington, DC.*

Hon. JON KYL,

*U.S. Senate,  
Washington, DC.*

Hon. PAT TOOMEY,

*U.S. Senate,  
Washington, DC.*

Hon. ROB PORTMAN,

*U.S. Senate,  
Washington, DC.*

DEAR MEMBERS OF THE JOINT SELECT COMMITTEE ON DEFICIT REDUCTION: We are writing to request that you protect vital programs that comprise our social safety net, including but not limited to Medicaid, Medicare, and Social Security, as well as the programs

that provide economic security and opportunity to millions of Americans.

Vital safety net services and programs support those people hit the hardest by the Great Recession. These services help people and families maintain housing or find shelter, keep food on the table, assist in access to health care, and support those looking for employment, including the long-term unemployed. Examples of federal programs that provide such services include programs which assist disabled veterans to find an accessible home, ensure seniors receive food to eat, help people access our health care system, connect people seeking jobs with employment, give shelter to homeless families, and ensure that children get meals in school.

It is imperative that we protect vital safety net programs and programs that provide economic security and opportunity to millions of Americans, including those facing or living in poverty. The Census Bureau released data on September 13, 2011, revealing that 15 percent of Americans—46.2 million people across this country—lived in poverty in 2010. This is the largest number of Americans living in poverty since the Census started collecting this data 52 years ago. For our nation's children under 18, 22 percent lived in poverty in 2010. That is 16.4 million children who do not know where their next meal is coming from, where they might be sleeping that night, and who are anxious overall about their well being and that of their parents.

According to the recent Census data release on poverty, the poverty numbers would have been worse had it not been for key federal programs like unemployment insurance, food stamps, and Medicaid (Census Bureau slide 25 located at [http://www.census.gov/newsroom/releases/pdf/2010\\_Report.pdf](http://www.census.gov/newsroom/releases/pdf/2010_Report.pdf)).

For the last 25 years when we have come to deficit reduction agreements, these agreements have protected low-income programs. Beyond that, we have a moral and an economic obligation to care for our nation's most vulnerable, those facing or living in poverty. We respectfully implore that as you work through ways that our nation can reduce the deficit that you sustain our nation's safety net programs that assist people in obtaining or maintaining their access to basic human needs including food, shelter, and health care, and that provide ladders to opportunity for struggling families. These programs both support and create consumers, which result in increased demand and job creation. In the end, this reduces our deficit by enabling people to participate in our economy.

Again, we respectfully implore that as you work through ways that our nation can reduce the deficit that you sustain the vital human needs programs found across the federal government and accomplish deficit-reduction in a way that does not exacerbate poverty or inequality.

#### FREE TRADE AND JOBS

The SPEAKER pro tempore. The Chair recognizes the gentleman from Illinois (Mr. DOLD) for 5 minutes.

Mr. DOLD. Mr. Speaker, just last week I had the opportunity to host a manufacturing roundtable to hear firsthand from job creators in the 10th District of Illinois. These business leaders spoke about the challenges that they are facing and how decisions made right here in Washington, D.C. impact their ability to create jobs and put Illinois back to work.

The entrepreneurs I met with expressed their concern with the uncer-

tainty in the marketplace and spoke about the difficulties they face when competing in a global marketplace. From trade to excessive regulations, it is clear that much work needs to be done right here in Washington, D.C.

Despite the problems that our country and businesses face, I am optimistic about the future. Just yesterday, the President sent long-anticipated trade agreements to Congress for approval.

We heard the President talk about his Jobs Act; and while there may be some disagreement about the Jobs Act, certainly I think that there are areas where we can agree, and I think that we ought to move those aspects forward. Certainly when we talk about the trade agreements, I would argue that's one of the areas that has broad bipartisan support, and we should move it forward for the American public.

We have 650 manufacturers in Illinois' 10th Congressional District representing 80,000 jobs. Fifty thousand of those jobs rely upon exports, and I would argue that our ability to open and expand markets will create that demand.

Seventy-three percent of the world's purchasing power is outside of the United States. Ninety-five percent of the consumers are outside of the United States' borders. We want to make sure that we have an agreement, an arrangement where we can knock down these barriers where we can allow the American worker to compete on a level playing field.

If we are able to do that, the American worker will win. We know that for every billion dollars that we increase in trade, we create 6,250 jobs right here at home.

We know that it would add, just with South Korea alone, would add \$10 billion to our GDP. This is a step, certainly, in the right direction.

In Illinois, manufacturing accounts for 93 percent of our exports, and these exports support 25 percent of the manufacturing jobs in our State, a State that's lost 750,000 manufacturing jobs over the last decade.

Small businesses are also a big part of those exports. By ratifying the pending trade agreements, we are empowering manufacturers, small business owners, and entrepreneurs. This is exactly the type of bipartisan action we need to be taking in these tough economic times.

While there is much more work that needs to be done, we should be encouraged by the movement on the trade agreements and use this as a stepping stone to continue working together and finding common ground. When we come together for the American public, we can create an economic certainty that allows small business owners all across the land to be able to forecast, have some more certainty, invest in their business and create jobs.

There are 29 million small businesses in our Nation. If we can create an environment here in Washington, D.C.

where half of those businesses can create one job, think about where we would be then.

I ask my colleagues on both sides of the aisle to come together to pass these pending trade agreements. Put the American worker first, and let's get America back to work.

#### FINANCIAL CRISIS AND MORAL CRISIS

The SPEAKER pro tempore. The Chair recognizes the gentleman from New York (Mr. RANGEL) for 5 minutes.

Mr. RANGEL. This morning I was pleased to see that the Conference of Catholic Bishops has organized in order to influence Washington as it relates to the question of same-sex marriage and abortion. I think that we all agree that these are moral issues and under our country's freedom of speech, the churches, the synagogues, the temples, have a right and, indeed, in their case, an obligation to speak out on the actions of Congress that they disapprove of morally.

I hope that this is a signal to other religious institutions that what this country is going through is not only a financial crisis, but a moral crisis. And perhaps the other religions might broaden their agenda to talk about what I truly believe is a priority and concern of every religion, and that is a deep-seated moral obligation to take care of the vulnerable in our society. Whether it's the lesser of our brothers and sisters, whether it's the sick and the aged, there's something about Social Security, Medicare and Medicaid, about having a home and a job that to me has something that involves a moral obligation.

□ 1040

When a great country like the United States, a beacon for people to come to from all over the world in order to be successful, finds itself with so much of our national wealth being concentrated in the hands of so few people, never before has this happened in history, where we find more and more children and adults going into poverty in historic numbers.

We find the shrinking of our middle class, where all of our dreams and aspirations are planned, born, and conceived in the United States of America; where we have so many brave American men and women fighting causes in foreign countries that their parents don't understand and they come home with emotional and physical disabilities; that we can never thank them for their courage; and when we see young people on Wall Street and the Wall Streets around this country protesting, and they're being ridiculed because they have no leaders, they have no single cause, they never knew each other, they're not organized. But neither is America's pain and concern organized.

People are mad as hell. They really think that they've been let down. They worked so hard to achieve what they

had achieved in this great country; and the greatest thing about America is not what you've achieved, in my opinion, it is having the hope that you can make it in America.

So that's why it is so painful to see how this middle class that was more recently, if you look at history, formed in this country, where people thought having a car and a home and a job, sending your kids to college for an education, being secure in your retirement, and knowing that one day health care would be available for everybody—are these just political issues? No. I think they're moral issues. And that's why when I went down to meet with the protesters, I had hoped that more of our spiritual leaders would be there to give guidance, to give encouragement, to give direction so that we can say that this is a civilized society and people can't just break the law and scream; but they can demand attention, and that's what they are doing.

So it seems to me that we in the Congress are getting involved too politically and ignoring the pain and the suffering that's taking place in this country today. When we can find one of the parties saying that they will not entertain a bill that's being proposed to us in order to put America back to work, when they say that their primary goal is to get rid of Obama, when they say that no jobs bill is going to be accepted except what they pick and choose, when they refuse to bring to the floor of this House something that we can discuss to give hope back to the people, I think that's not just a political question. I think it's a moral question as well.

God—yes, God—bless America.

#### HONORING PRIVATE FIRST CLASS BRETT EVERETT WOOD

The SPEAKER pro tempore. The Chair recognizes the gentleman from Indiana (Mr. BUCSHON) for 5 minutes.

Mr. BUCSHON. Mr. Speaker, I rise today to honor U.S. Army Private First Class Brett Everett Wood, PFC Wood, a 19-year-old of Spencer, Indiana, lost his life in combat on September 9 in Kandahar, Afghanistan, during an insurgent attack on his unit with an improvised explosive device.

PFC Wood was assigned to the 1st Battalion, 5th Infantry Regiment of the 1st Stryker Brigade Combat Team, 25th Infantry Division, Wainwright, Alaska.

Indiana lost a great citizen who enlisted with his brother, Nikk, during the summer of 2010. His sacrifice and valor in defense of the freedoms we hold dear should be commended, and I would like to offer my most heartfelt condolences to PFC Wood's family and friends. From a grateful Nation, he will be missed but not forgotten.

#### TRIBUTE TO THE HONORABLE OLIVER W. WANGER

The SPEAKER pro tempore. The Chair recognizes the gentleman from California (Mr. COSTA) for 5 minutes.

Mr. COSTA. Mr. Speaker, I rise this morning to honor and pay tribute to the outstanding service and dedication of the Honorable Judge Oliver W. Wanger on the occasion of his retirement last week from the United States District Court for the Eastern District of California.

For the past 20 years, Judge Wanger has served the people of California admirably and courageously, maintaining a commitment to the justice and fairness of the law. Moreover, he is extremely knowledgeable and always attempted to balance the scales of justice when hearing cases in general, and specifically cases dealing with California's water and environmental issues.

During his tenure, District Court Judge Wanger has developed a mastery of complex Federal and State water and endangered species laws, putting forth many substantial rulings of several hundreds of pages in length that required painstaking attention to detail. Some of the most noteworthy in recent years were his findings with respect to operations of the Central Valley project and the State water project that convey water supplies throughout California, including the San Joaquin Valley and southern California for urban use and for agricultural use.

Were it not for Judge Wanger's attention to the letter of the law, farmers, farmer workers, and farm communities in the valley would have continued to suffer from job losses and uncertainty during the most recent drought period, while Federal agencies and this administration clung to flawed science and regulations that were destructive.

Judge Wanger has worked tirelessly on these issues, often putting in 75 to 80 hours a week. His retirement now leaves only two active judges in the already understaffed district court, which extends from the Oregon border to the Tehachapi Mountains south of Bakersfield. In a letter to Chief Judge Anthony Ishii regarding his coming retirement, Judge Wanger expressed grave concerns over the immense and unbearable workload that his departure will create. Let me read from his letter:

The impacts on these judges is best understood by my last 5 years: 161 jury trials to verdict; 5,465 courtroom hours; 3,554 terminal and civil cases; with an individual caseload approaching 1,200 cases in a 5-year period.

Judge Wanger also went on to say: Now who will handle these cases? Despite our pleas to and Congress' express recognition of the need, the continued refusal to create new desperately needed judgeships for the Eastern District of California has created a hardship for the Federal court. It has been more than 31 years since a new district judge position was created in Fresno, a division with over 2.5 million people. The

continued erosion of the Eastern District Court's ability to provide the public with a timely and effective Federal judicial service is a burden on our Nation, and the litigants should not suffer.

What Judge Wanger pointed out is it's not only a disservice to the men and women who serve the court, but the individuals throughout the region and the businesses whose cases are delayed years in some cases. This surely was not what our Founding Fathers had in mind for our country when they ensured that all Americans have a right to a speedy trial. As we know, justice delayed can oftentimes be justice denied.

Although the problem is not unique to the Eastern District of California, it is where the problem is most pronounced with by far the Nation's largest caseload per judge. Legislation has been introduced in the House and the Senate to create additional judgeships in district courts where the need is greatest. Unfortunately, it has not been acted on. It is past time for the Congress to act on these bills to ensure that all branches of government are, in fact, working for the American people.

In closing, I want to publicly thank Judge Oliver Wanger for his service to our Nation.

UNITED STATES DISTRICT COURT,  
EASTERN DISTRICT OF CALIFORNIA,  
Fresno, California, August 31, 2011.

Re Retirement from Judicial Service.

Hon. ANTHONY W. ISHII,  
Chief Judge, U.S. District Court, Eastern District of California, Fresno, CA.

DEAR JUDGE ISHII: It is with great regret that I will retire as a District Judge effective October 1, 2011, under the provisions of 28 U.S.C. §371(a) having attained the age and met §371(c)'s requirements to receive the annuity and benefits prescribed by law.

I served more than 20 years—the last five as a senior judge—and my intent was lifetime service. Obligations to my family now transcend my ability to continue in the judiciary. Necessity compels re-entry to the private sector.

I recognize that my departure will leave only two active judges in our already understaffed EDCA judiciary. My foremost concerns are for my fellow judges who labor under such formidable and unmanageable workloads and the public who need our court.

The impact on these judges is best understood by my latest five year case statistics: 161 jury trials to verdict (32 per year); 5,465 courtroom hours (1,093 per year); and 3,554 terminated criminal and civil cases (711 per year); with an individual caseload approximating 1,200 cases. Included are many complex water and environmental lawsuits affecting endangered species and California's water supply.

Who will now handle these cases?

Despite our pleas to and Congress' express recognition of the need, the continued refusal to create new desperately needed judgeships for BDCA has created a hardship for all who depend on the Federal court. It has been more than 31 years since a new district judge position has been created in Fresno, a division with over 2.5 million people. The continued erosion of BDCA's ability to provide the public with timely and effective federal judicial service is a burden our nation and litigants should not suffer.

My best wishes for the future and thanks to you and all our judges and loyal court staff members who do such outstanding work.

Sincerely,

OLIVER W. WANGER,  
United States District Judge.

#### FOSTERING JOB GROWTH

The SPEAKER pro tempore. The Chair recognizes the gentleman from Georgia (Mr. AUSTIN SCOTT) for 5 minutes.

Mr. AUSTIN SCOTT of Georgia. Mr. Speaker, Americans are hurting, and there's nothing more important right now for every Member of Congress than fostering job growth for the American people. House Republicans have been focused on this since day one. We passed more than a dozen pro-jobs bills that are currently awaiting a vote in the Senate. Additionally, we also passed a budget this year, something the Senate hasn't done in 888 days—888 days, Mr. Speaker.

America must lead the world out of this global recession. And I, for one, believe that if we can just get a couple of things right in Washington, we'll see our economy turn around and therefore the world economy turn around.

□ 1050

In the House, we believe in helping small businesses, we believe in free trade, and we believe in shrinking bureaucracy. Measures supporting these causes have already passed the House—with bipartisan support, I might add, Mr. Speaker—only to stall in the Democratic-controlled Senate.

Mr. Speaker, House Democrats and Republicans have found common ground on many measures to build more confidence for job creators. We invite the Senate to join our efforts. Mr. Speaker, Americans can't wait. It's time for the Senate to join the House in taking action to help restore our economy.

#### STOP MILITARY RAPE

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from California (Ms. SPEIER) for 5 minutes.

Ms. SPEIER. Mr. Speaker, today I rise, once again, to talk about the epidemic of rape in the military. This is the ninth time that I have stood on the floor of this House to speak about the unspeakable. Each of these military members have served proudly for their country. Each of them has been raped, and each has been revictimized by a system of justice that protects perpetrators and punishes victims. I will continue to share these stories until something changes. Survivors can email me at [stopmilitaryrape@mail.house.gov](mailto:stopmilitaryrape@mail.house.gov) if they would like to speak out.

Today, I want to tell you about Sergeant Rebekah Havrilla. She served in the Army from 2004 to 2008. Her job was as an explosive ordnance disposal tech-

nician. In other words, she was responsible for disposing of IEDs before they went off. So she took on one of the toughest jobs in the military. Yet during basic training, she heard her commanders repeatedly equate being female with being weak or incompetent. They used words to describe women that cannot be repeated on this floor.

Commanders required Sergeant Havrilla and her colleagues to attend classes regarding prevention of sexual assault and harassment once a year. Commanders made a mockery of these classes. As the instructor would describe prohibited conduct, one or more of the soldiers would begin engaging in that conduct. One soldier went as far as to strip completely naked and get on the table during a break in the middle of class. His punishment was to serve as Equal Opportunity representative and lead the next sexual assault harassment training. "Disgusting" is too benign a word to describe this conduct.

Sergeant Havrilla deployed to Afghanistan in 2006. Her supervisor sexually harassed her. He began to slap her bottom whenever he passed by. He belittled and mocked her. On one occasion, he told her exactly what he wanted to do to her in graphic detail. Nothing was done in response.

It was another colleague, one from the canine unit, that raped her. He even photographed the rape, and some of the pictures ended up on a pornographic Web site. Imagine a system of justice in such shambles that an assailant would actually take pictures of the crime and put them on the Internet. Sergeant Havrilla reported her rape under the military's restricted reporting policy.

In February of 2009, she reported for 4 weeks of active duty training. While there, she ran into her rapist and went into shock. She immediately sought the assistance of the military chaplain. The chaplain told her that it must have been God's will for her to be raped and recommended that she attend church more frequently. God's will? This is the support system for victims of rape and sexual assault in the military? Sergeant Havrilla now suffers from posttraumatic stress disorder and chronic depression.

In describing her decision to speak out, she said this: "Leadership needs to be held accountable and women need to be able to work without the fear of being assaulted by their own colleagues. This is one of the hardest things I've ever done, and I want to thank the other women who have stepped forward as well. It's never easy to put yourself out there."

Sergeant Havrilla is right. It's time for leadership to be held accountable—leadership in the Pentagon, leadership at the White House, and leadership here in Congress.

#### HOSPITALS ARE ABOUT JOBS

The SPEAKER pro tempore. The Chair recognizes the gentleman from

Pennsylvania (Mr. THOMPSON) for 5 minutes.

Mr. THOMPSON of Pennsylvania. Mr. Speaker, today I rise to recognize the many hospital professionals that serve every day to keep our communities leading strong, healthy lives. Having spent 28 years as a therapist, rehabilitation services manager, and a licensed nursing home administrator, I know firsthand the many challenges this industry continues to face.

Medicare and Medical Assistance payments are just a few of the many variables beyond a hospital's control—Medicare that only pays 80 to 90 cents for every dollar of cost in delivering care and Medical Assistance that only pays 40 to 60 cents for every dollar of cost in delivering care.

As Congress continues to work on issues impacting this industry, it is important to recognize the critical role our hospitals play in not only providing access to cost-effective care, but also economic growth.

In my home State of Pennsylvania, more than 584,000 individuals depend on hospitals for their jobs through direct and indirect employment. The economic contributions made by Pennsylvania's hospitals to local communities continue to increase, rising to \$98.9 billion in 2010, and that's up from \$89.8 billion during 2008.

When 268,000 hospital employees spend money on products and services, it translates to nearly 317,000 additional hospital service-related jobs and more than \$13 billion in employee compensation. More than \$27.2 billion in total labor income is generated directly and indirectly by Pennsylvania hospitals. In 55 of the 67 Pennsylvania counties, hospitals remain among the top five employers, providing family-sustaining jobs and solid benefits. Every additional dollar in employee compensation in the hospital sector results in 92 cents of wages to other Pennsylvania industries.

At a time marked by so much uncertainty, lawmakers need to ensure that hospitals remain viable assets in our communities, where they can provide jobs, support other businesses, and continue offering these critical services. Hospitals are about access to quality care and jobs.

#### RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until noon today.

Accordingly (at 10 o'clock and 58 minutes a.m.), the House stood in recess until noon.

□ 1200

#### AFTER RECESS

The recess having expired, the House was called to order by the Speaker at noon.

#### PRAYER

Pastor Jerry Creel, Brush Arbor Baptist Church, Orlando, Florida, offered the following prayer:

O Lord God, I thank You that we can take a moment to acknowledge that there is one that is greater than all the governments and power of man.

Thou art worthy to receive glory, honor, and power.

Lord, as You guide the course of all creation and the events of mankind throughout history, may we willingly be in submission to Your mighty hand. Fill us with love, joy, peace, long-suffering, gentleness, goodness, faith, meekness, and temperance.

Lord, raise up leaders here that You can show Yourself strong in the behalf of them whose heart is perfect toward You.

Give us Your wisdom to solve our problems. Give us Your power to overcome our enemies. Give us Your compassion to meet people's needs.

In the name of my Lord and Saviour, Jesus Christ, who gives me freedom from the bondage of sin, liberty to stand for what is right, and the reason to live.

#### THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

#### PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentlewoman from Ohio (Ms. FUDGE) come forward and lead the House in the Pledge of Allegiance.

Ms. FUDGE led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

#### ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will entertain up to 15 requests for 1-minute speeches on each side of the aisle.

#### BURDENSOME REGULATIONS STIFLE JOB CREATION

(Ms. JENKINS asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JENKINS. Mr. Speaker, to spur job creation in this country, we must remove burdensome regulations stifling our job creators. The EPA's Maximum Achievable Control Technology, or MACT rule, is set to crush our cement manufacturers.

Eastern Kansas has three cement manufacturers who employ thousands. I recently toured plants at Monarch Cement in Humboldt, Ashgrove Cement

in Chanute, and LaFarge Cement in Fredonia, and heard a similar story from all three. They have the revenue stream and the desire to hire more Kansans, but the cost of complying with government regulations, like the cement MACT, restrict their ability to do so.

The EPA shouldn't be implementing regulations that do more economic damage than they achieve in environmental good. I hope the EPA will take this opportunity to reform their rules and be part of the solution rather than the problem. Let's end overregulation and get Americans back to work.

#### JOB CRISIS IN AMERICA

(Ms. FUDGE asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. FUDGE. Mr. Speaker, I rise today to address the job crisis in our Nation.

While we operate in a divided Congress, Americans are struggling. Millions are unemployed, underemployed, and without the skills to be employed. More than 1.4 million Americans have been out of work for more than 99 weeks. These Americans want jobs. Most Americans don't understand the delay. Many can't afford to wait. So why haven't we passed a jobs bill?

President Obama introduced his jobs plan with many of the provisions previously supported by both Republicans and Democrats. What is stopping this Congress from passing a jobs bill?

I want every unemployed American to know that some of us really are working to get a jobs bill passed. We feel your pain, we know your struggle. We must act now.

#### GOVERNOR BEVERLY PERDUE PROPOSES SUSPENSION OF CONGRESSIONAL ELECTIONS

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, the Raleigh News & Observer reported seriously that last Tuesday at a Rotary club meeting in Cary, North Carolina, Governor Beverly Perdue stated: "I think we ought to suspend, perhaps, elections for Congress for 2 years and just tell them we won't hold it against them, whatever decisions they made, to just let them help this country recover."

Any governor, especially our great neighbor of the 10th largest State in the country, should be unwavering for citizens to have their votes counted. Elections are vital for accessibility and accountability. Governor Perdue fails to understand that House Republicans have put job creation, economic growth, and limited spending at the center of the congressional agenda. Since January, House Republicans have led efforts to help our economy

recover by passing legislation to promote small businesses to create jobs. Even as a joke, Congress should not be a special class separated from the citizens. The House has passed 90 bills this year, and the Senate has only passed 20.

In conclusion, God bless our troops, and we will never forget September the 11th in the global war on terrorism.

#### SMALL BUSINESSES FIGHTING TO GROW

(Ms. HAHN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. HAHN. Mr. Speaker, last week I held meetings in my district with over 50 businesses; not to talk to them, but to listen to them. I wanted to hear from small businesses themselves—what is standing in your way and what do you need to succeed. And I heard that even in the sluggish economy, these small businesses are finding opportunities. They want to hire and grow. Difficult times cannot repress the ingenuity and determination of the American small businessperson.

What they do need is access to capital to seize these opportunities. They need small business loans that don't take a small mountain of paperwork to apply for. They need us to pass the American Jobs Act to give them the tools they need to innovate and grow.

Congress bent over backwards to bail out Wall Street billionaires. Where's the help for the ordinary men and women working on Main Street? Congress needs to get our priorities straight. We should be fighting for small businesses that are the backbone of our economy and the foundation of our American Dream.

□ 1210

#### HONORING THE LIFE OF MARINE CAPTAIN THOMAS HEITMANN

(Mr. KINZINGER of Illinois asked and was given permission to address the House for 1 minute.)

Mr. KINZINGER of Illinois. Mr. Speaker, I rise today to speak in honor of Captain Thomas Heitmann, a marine from Mendota, Illinois, who faithfully served our country. He was killed on September 19, 2011, at the age of 27, in a helicopter crash at Camp Pendleton, California.

Captain Heitmann was one of six children. His parents sent their son to Holy Cross School, and he graduated in 2002 from St. Bede Academy in Peru. He is remembered throughout the community as a truly outstanding person. He was known by his family, friends, former coaches, and teammates as "the all-American boy," "the star athlete," "a kind, supportive and good friend," and a "gentleman to all."

Captain Heitmann was brought up with a strong set of core values. He worked hard and understood the impor-

tance of his family and his friends, and he truly cherished the time that he spent with them. Captain Heitmann's passion was to fly. One of his former coaches said: "It was a dream come true for him to fly for the Marines and be a pilot." I understand that dream.

Captain Heitmann is a true patriot and displayed the love for his country that separates the people of our great Nation from any other in the world. Our men and women in the military, like Captain Heitmann, work tirelessly to protect our country. Their sacrifice is the reason for our liberty. While he will be sorely missed, it's because of his commitment and that of people like him that we can stand before you in a Chamber like this today.

God bless Captain Heitmann's service, and God bless his family.

#### A DECADE IN AFGHANISTAN

(Mr. QUIGLEY asked and was given permission to address the House for 1 minute.)

Mr. QUIGLEY. Mr. Speaker, we have been in Afghanistan for 10 years.

Two years ago, on the eighth anniversary of our invasion of Afghanistan, I stood in this same spot and asked: Have our 8 years, 791 American deaths, and billions of U.S. dollars spent in Afghanistan made America safer? My conclusion, sadly, was no.

Two years later, I am left asking the same questions and reaching the same conclusions: al-Qaeda is still not primarily in Afghanistan, but in Pakistan, Yemen, Africa and elsewhere. We still cannot afford a vast ground war and rebuilding effort abroad. We should be fighting a smaller, smarter war that goes after terrorists instead of building nations. It's time to get out of Afghanistan before another year passes and we are back here saying the same thing all over again.

#### PENNSYLVANIA HOSPITALS

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, I would like to welcome members of the Hospital and Health System Association of Pennsylvania to Washington today.

Hospitals are an essential piece of Pennsylvania's economy. Annually, the total economic benefit for our State is \$2.7 billion a year.

More than 16,000 Pennsylvanians are employed by hospitals, and they are paid an average salary of more than \$52,000 a year. In my home district, Lancaster General Hospital is now the largest employer. Doctors, nurses, and other hospital workers are contributing to our economy and saving lives. They're working hard to come up with new ways to save lives, new methods to improve our health, and ways to reduce the cost of care.

Working in a hospital is not easy. Doctors, nurses, and administrators

help individuals and families who are hurting and who are struggling with illness and disease. And they work long hours performing difficult tasks.

We thank our hospital professionals for their service; and as chairman of the Energy and Commerce Health Subcommittee, I will always listen to their voice as Congress works to improve our health care system.

#### AMERICAN JOBS ACT

(Mr. BACA asked and was given permission to address the House for 1 minute.)

Mr. BACA. Mr. Speaker, the "party of no" is at it again. Republicans have been in the majority for 273 days, and they still have no plans to create new jobs. Now the Republicans are saying "no" to the American Job Act, with the majority leader calling this bill "dead."

But what are the Republicans really saying no to? They're saying no to helping small businesses grow and hire. They're saying no to keeping teachers in the classroom. They're saying no to keeping firefighters, first responders and cops on the job. They're saying no to building our crumbling roads, bridges and schools. They're saying no to cutting taxes for hardworking American families.

The American Job Act is a bipartisan approach with ideas that have been supported by both Democrats and Republicans. We must stop this political game. The American people are suffering, and they need our help now. Let's all say yes to putting Americans back to work and pass this bipartisan agenda.

#### MIDDLE EAST PEACE

(Mr. GARDNER asked and was given permission to address the House for 1 minute.)

Mr. GARDNER. Over this past week, I was reminded that while my Jewish friends and colleagues were celebrating Rosh Hashanah, the Jewish new year, members of the United Nations were considering a motion that would further jeopardize chances for Middle East peace. I'm very concerned, Mr. Speaker, that the willingness of the U.N. to consider Palestinian statehood, despite United States calls to halt such an action, will embolden Israel's enemies.

This must stop now. We must send a message to the United Nations that their continued support for anti-Semitic and anti-Israel resolutions is unacceptable to the United States. As members of our House leadership, Republican and Democrat, recently said in a New York Daily News op-ed: "Congress will not sit idly by." Nor will I sit idly by. We simply cannot and will not allow Israel, a beacon of hope in a volatile area of the world, to be ignored and cast aside by the U.N.

Lasting peace will only succeed if the Israelis and the Palestinians themselves come to the table for direct negotiations. Peace is not easy, as we



have seen. But it will not be achieved by unilateral decisions made by an international body that does not represent the interests of our friend and our ally Israel.

#### DETROIT JOBS TRUST FUND

(Mr. CLARKE of Michigan asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CLARKE of Michigan. The Detroit Jobs Trust Fund will create jobs for Detroiters. And we definitely need it. Metro Detroit has lost more jobs over the last 10 years than any other metropolitan area in the country.

But as the fighting spirit of the Detroit Tigers and Detroit Lions demonstrates, we've got to fight to help this country compete and win any battle for jobs around the world. So my message is this: if you want to create more manufacturing jobs here in the U.S., then invest in Detroit.

#### SHUTTLE PLACEMENT NEXT TO STRIP CLUB

(Mr. POE of Texas asked and was given permission to address the House for 1 minute.)

Mr. POE of Texas. Mr. Speaker, NASA plans to send the shuttle Enterprise to New York City, a place that has no connection with NASA. In their sales pitch for the shuttle, the Intrepid Museum painted an extravagant picture of the orbiter prominently displayed in a beautiful facility on the Hudson River.

Now, in a misleading bait-and-switch move, they want to move this piece of space history next to a bagel joint, a car wash and a strip club to supposedly beautify the area. The shuttle should not be used as part of an urban renewal project.

The only place this shuttle should be heading to is Houston's "Space City, U.S.A.," the historical place for all space exploration. The first word on the Moon was "Houston", not "New York City." And placing the shuttle in New York City is like putting the Statue of Liberty in Omaha, Nebraska. NASA and the Smithsonian should reconsider putting the shuttle in New York.

And that's just the way it is.

#### AVIATION SAFETY RULE

(Mr. HIGGINS asked and was given permission to address the House for 1 minute.)

Mr. HIGGINS. I come before the House today, Mr. Speaker, to call for the immediate implementation of the pending aviation safety rule on preventing pilot fatigue.

In February of 2009, Continental Connection Flight 3407 crashed in my community of western New York. The investigation of the crash brought to light serious deficiencies in Federal

aviation safety standards, including our rules to prevent pilot fatigue. In response, Congress unanimously passed legislation to reform these rules. Yet despite broad congressional support, implementation of the pilot fatigue rule is more than 2 months overdue. Yesterday, 102 of my colleagues and I sent a letter to the administration urging the quick implementation of these reforms.

Mr. Speaker, the old policies still in place do not adequately prevent fatigue or sufficiently protect the traveling public. We must implement the overdue pilot fatigue rule. While we delay, the traveling public continues to take to the skies bearing unnecessary risks.

□ 1220

#### NATIONAL FEDERATION OF THE BLIND

(Mr. STEARNS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STEARNS. Good afternoon, Mr. Speaker.

Although the disabled have made significant progress in achieving the American Dream today, they still face unfairness in the workplace under a provision that allows employers to pay workers with disabilities less than the Federal minimum wage.

Protections for disabled workers were excluded in the Fair Labor Standards Act in the mistaken belief that they would not be as productive as other workers. That is why I offered the Fair Wages for Workers with Disabilities Act, along with my good colleague, Congressman BISHOP of New York. This legislation would phase out the provision in the Fair Labor Standards Act that allows subminimum wage for disabled workers.

It is deplorable and wrong in America that these not-for-profit centers would hire people with disabilities, including the visually impaired, and pay them less than \$1 an hour. Workers with disabilities contribute to our economy and to our society, and they deserve equal pay for equal work.

#### PASS THE AMERICAN JOBS ACT

(Mr. AL GREEN of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. AL GREEN of Texas. Mr. Speaker, it's time for this House to act on the American Jobs Act. It not only makes good sense, it makes dollars and cents for businesses. Businesses that hire persons who have been looking for work for more than 6 months will get a \$4,000 tax credit. If that person happens to be a veteran, it becomes \$5,600. If that veteran happens to have a disability that is service connected, it becomes \$9,600.

It's time to act on the American Jobs Act. It makes good sense. It also makes good dollars and cents for business.

#### URGING SENATE ACTION ON A BUDGET

(Mr. KELLY asked and was given permission to address the House for 1 minute.)

Mr. KELLY. "I cannot believe you guys put yourselves behind the eight ball." Well, that's what my football coaches used to say whenever our team botched a play or missed an opportunity to win a game.

As we mark 888 days since the Senate has passed a budget, I'd like to say to our friends over in the Senate: I can't believe you folks have put the American people behind the eight ball.

Without a long-term budget, you can't run a business, you can't run family finances, and you sure as heck can't run a government. Passing a budget is one of the most basic legislative responsibilities Congress has, and the Senate leadership has not only punted on this, they've taken a knee.

Leadership isn't about sitting on the sidelines, it's about having the courage to run the play. My colleagues in the House and I are calling on Senator REID to run the play. Pass a budget. Pass the pro-growth bills we've already gotten through the House and help get America out from behind the eight ball.

The American people have waited 888 days to see a budget come out of the Senate. And while the Senate is taking its good old time, the American people are taking it on the chin. With constant threats of shutdowns and slowdowns over continuing resolutions, we've had enough.

Mr. REID, please do your job. Pass a budget.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. BASS of New Hampshire). The Chair will remind Members to direct their remarks to the Chair.

#### AMERICAN JOBS ACT

(Mr. BUTTERFIELD asked and was given permission to address the House for 1 minute.)

Mr. BUTTERFIELD. Mr. Speaker, it is very disappointing to me that the gentleman from South Carolina (Mr. WILSON) a few moments ago took North Carolina Governor Perdue's words completely out of context. Every day, Governor Perdue of North Carolina is urging this Congress to work in a bipartisan manner to create jobs by passing the American Jobs Act.

We need, Mr. Speaker, to help create jobs. We need to help job creators by offering new tax cuts that incent the hiring of workers and cut payroll taxes. The tax cuts in President Obama's American Jobs Act will save a business with 50 employees roughly \$50,000 per year and give employees an additional \$1,500 per year each in take-home pay. This is real money. It equates to real job growth in the near term.

But the American Jobs Act is more than just tax cuts. Investments in education and infrastructure will increase long-term growth.

I urge this body to take up the whole American Jobs Act—not cherry-pick its parts—without delay so that the small businesses of America can continue to grow and hire, leading us into prosperity.

#### FREE TRADE AGREEMENTS

(Mr. YODER asked and was given permission to address the House for 1 minute.)

Mr. YODER. Mr. Speaker, it's time to put America back to work again, and that's why I rise today to lend my voice in support of the three pending free trade agreements that the President has submitted to Congress.

At a time when 13.9 million Americans are looking for employment, these commonsense, bipartisan bills are the types of pro-job legislation upon which this Congress should be focused.

It's estimated that these agreements could create hundreds of thousands of jobs in the United States and increase American exports by tens of billions of dollars a year. This means real jobs in the Third District of Kansas and throughout my home State, where exports are a major component of our economy, accounting for almost \$10 billion in economic activity and supporting 30,000 jobs.

Mr. Speaker, Americans are tired of partisanship and they're looking for solutions to our economic challenges. Today, let's come together, pass these trade agreements, and let's get Kansas and all of America working again.

#### AMERICAN JOBS ACT

(Mr. YARMUTH asked and was given permission to address the House for 1 minute.)

Mr. YARMUTH. Mr. Speaker, the American Jobs Act has been presented to the American people, but in this House it doesn't sound like it's going to get much of a hearing. Republican leadership has called it dead and has called it a partisan piece of legislation.

Well, I've got some evidence that shows that it's not really that partisan. As a matter of fact, we sent out a survey to over 4,000 Louisvillians asking them for their opinion on all provisions of the American Jobs Act. The percentage of support was astounding. Almost 80 percent want to spend \$50 billion to improve our infrastructure; 76 percent want to cut payroll taxes for every worker, 77 percent to cut the payroll tax for businesses, 73 percent allowing businesses to write off 100 percent of new investments, a Republican proposal; 79 percent want to provide a tax credit for hiring American veterans.

No, the only thing that's partisan about the American Jobs Act is the Republicans' attitude about it. And it is time to pass this act to create a new

future for the American people and a better American economy.

#### AMERICAN JOBS ACT

(Mr. CONNOLLY of Virginia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CONNOLLY of Virginia. Mr. Speaker, how many different jobs could be created if America just had more snakes? venom specialists? animal control? mongoose peddler? I only ask because, in the face of stagnating job growth, Republican leadership in the House Oversight Subcommittee actually recommended relaxing restrictions on exotic snake sales to create jobs. Apparently, in the face of ongoing unemployment, the one job Republicans feel confident they can create is snake oil salesman.

In contrast, President Obama's jobs proposal takes a page out of a former Republican playbook, most notably that of Dwight D. Eisenhower, supporting policies that put Americans back to work. It includes infrastructure investments to build and repair schools, roadways, bridges, creating construction jobs. The President's proposal cuts business taxes to incentivize hiring in the private sector, and it cuts payroll taxes for every current worker to spur economic demand. These bipartisan policies have been successful in the past.

The American people need real jobs, Mr. Speaker, not snake charmers, and I ask that my colleagues support real proposals like the American Jobs Act.

#### LABOR-HHS EDUCATION APPROPRIATIONS CONCERNS

(Mrs. CAPPS asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. CAPPS. Mr. Speaker, I rise to express my deep concern over the Labor-HHS Education appropriations draft posted last week by the majority. Not only did this action circumvent the procedures of the House and disregard the input of committee members, but the bill is misguided and dangerous for our Nation's families and economy.

The draft eliminates the cost-effective Title X family planning program, blocks funds for evidence-based sex education programs to instead spend them on programs proven ineffective and discriminatory, and, again, threatens to shut down the government over Planned Parenthood.

This plan harms our health care workforce by slashing the job-creating National Health Service Corps program by 55 percent and making steep reductions to the Community Health Center program. And it wipes out the successful Senior Corps and AmeriCorps programs that not only provide jobs, but also critical low-cost services to our families and seniors.

The list goes on, but the theme is the same we've seen all year: The majority is more interested in putting ideology over common sense and partisanship over people's needs.

#### PASS THE AMERICAN JOBS ACT

(Ms. EDWARDS asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. EDWARDS. Mr. Speaker, the other side has been in the majority for 39 weeks and they still haven't passed a single piece of legislation to create jobs or help small businesses. And now they reject out-of-hand, commonsense ideas in the American Jobs Act that would help small business owners who really are the economic engine responsible for creating 70 percent of the jobs in this country.

Last week, I visited with small business owners like Susan Bishop, the owner of Jaha Hair Studio. She has been in business 16 years, has eight employees, and she has found it impossible to get a \$30,000 credit extension to meet payroll from a bank that she has done business with for 16 years. She wants to expand her business, to hire others, to train others, and she can't do it, but she could with the American Jobs Act.

Constituents Abeba and Lene Tsegaye, owners of Kefa Cafe, told me that they would actually hire someone if they could get the tax credits available in the American Jobs Act.

So why aren't we doing it, doing it for the owners of Kefa Cafe and other small businesses throughout my congressional district? These are real job creators. It's time for this to be our top priority.

Pass the American Jobs Act. Get America back to work. It's time for the majority to act.

□ 1230

#### PENDING FREE TRADE AGREEMENTS

(Mr. MORAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MORAN. Mr. Speaker, I rise to speak for the three bilateral trade agreements which the President submitted to the Congress yesterday. I applaud the administration on the negotiated revisions to these agreements, which will improve market access in Korea, tax transparency in Panama, and labor rights in Colombia. Through their hard work, our trade negotiators, led by Ambassador Kirk, have made real and significant improvements to these agreements. Their passage is long overdue.

While political negotiations over previously uncontroversial Trade Adjustment Assistance programs have dragged on here in Washington, American businesses have been losing market share in these three countries. For

example, in the first month after the European Union-South Korea free trade agreement went into effect in July, EU exports to South Korea increased 36 percent over the year before. Meanwhile, U.S. market share has been steadily declining, from 21 percent 10 years ago to 9 percent today. Colombia has implemented trade accords with its neighbors and with Canada and will soon implement an agreement with the European Union, but U.S. exporters still face an average of 9 percent in tariffs. These treaty agreements need to be passed to create jobs.

#### AMERICAN JOBS

(Ms. HANABUSA asked and was given permission to address the House for 1 minute.)

Ms. HANABUSA. Mr. Speaker, we speak of jobs, both sides of the aisle speak of jobs. And we wonder, why is it that jobs are not being created? It is because the public has no confidence in any of us. So let's start to look seriously at the jobs bill that we have before us, and that is the President's American Jobs Act. And let's look at specifics within that. We speak generically, but let's see how it really affects people, and let's look at how it affects the one group of people that we all say we want to help: the veterans.

When I was home, we went to the opening for the U.S.VETS. It was to implement the President's plan that we will end veteran homelessness by the year 2015. But we also know an integral part of that is the jobs. Look at what his act produces: Returning Heroes tax credits of up to \$5,600 if you hire an unemployed vet; a Wounded Warriors tax credit of up to \$9,600 if you hire a disabled veteran. Isn't it time for us to just stop all of this and start to focus on what we need to do to create the jobs for the people who need it?

#### PROVIDING FOR CONSIDERATION OF H.R. 2681, CEMENT SECTOR REGULATORY RELIEF ACT OF 2011; AND PROVIDING FOR CONSIDERATION OF H.R. 2250, EPA REGULATORY RELIEF ACT OF 2011

Mr. NUGENT. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 419 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

#### H. RES. 419

*Resolved*, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the State of the Union for consideration of the bill (H.R. 2681) to provide additional time for the Administrator of the Environmental Protection Agency to issue achievable standards for cement manufacturing facilities, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall

not exceed one hour equally divided and controlled by the chair and ranking minority member of the Committee on Energy and Commerce. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Energy and Commerce now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. All points of order against the committee amendment in the nature of a substitute are waived. No amendment to the committee amendment in the nature of a substitute shall be in order except those received for printing in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII in a daily issue dated October 4, 2011, or earlier and except pro forma amendments for the purpose of debate. Each amendment so received may be offered only by the Member who caused it to be printed or a designee and shall be considered as read if printed. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommend with or without instructions.

SEC. 2. At any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the State of the Union for consideration of the bill (H.R. 2250) to provide additional time for the Administrator of the Environmental Protection Agency to issue achievable standards for industrial, commercial, and institutional boilers, process heaters, and incinerators, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chair and ranking minority member of the Committee on Energy and Commerce. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Energy and Commerce now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. All points of order against the committee amendment in the nature of a substitute are waived. No amendment to the committee amendment in the nature of a substitute shall be in order except those received for printing in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII in a daily issue dated October 4, 2011, or earlier and except pro forma amendments for the purpose of debate. Each amendment so received may be offered only by the Member who caused it to be printed or a designee and shall be considered as read if printed. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a

substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommend with or without instructions.

The SPEAKER pro tempore. The gentleman from Florida (Mr. NUGENT) is recognized for 1 hour.

Mr. NUGENT. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Florida (Mr. HASTINGS), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

#### GENERAL LEAVE

Mr. NUGENT. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. NUGENT. I rise today in support of House Resolution 419. The rule provides for consideration of two separate but related bills: H.R. 2250, the EPA Regulatory Relief Act of 2011; and H.R. 2681, the Cement Sector Regulatory Relief Act of 2011.

I'm proud to sponsor this rule, which provides for a modified open amendment process with a preprinting requirement. This modified open rule means that any Member, Republican or Democrat, with any germane amendment that complies with the other rules of the House will have the opportunity to debate that issue. It's another example of the Republican majority's continued commitment to openness and transparency.

Mr. Speaker, since coming to this body back in January, my priority has been to create an environment where American workers can prosper. In my home district, unemployment hovers around 13 percent. I don't doubt this sad statistic is part of the reason why Vice President BIDEN is in my district today, talking up the President's so-called American Jobs Act. Unfortunately for thousands of people looking for work in Florida's Fifth Congressional District, they can't afford for the President and Vice President to just keep talking about it. They need action, not promises. They need to actually break down the barriers that are preventing job creators and employers from creating new jobs.

Every week when I go home, I meet with small business owners to get their input on what they need to start hiring again. They always tell me the same three things: We need demand from customers; loans aren't as easy to come by as they were prior to the recession; and they have no idea what to expect from Washington, as it relates to regulation and taxes. Washington can't directly control the first two things but can absolutely take care of the third.

□ 1240

When we had a balanced budget amendment rally in Dade City, one of the small business owners stood up and said, what we need is certainty from the Federal Government. We need certainty what our taxes are going to be and what regulations are going to be. He talked about the fact that regulations change on a moment's notice based upon whims of the government. He used to plan 3 to 5 years out in regards to what their business plan was going to do, what their hiring process was going to be. Today, they're lucky if they can plan 90 days based upon the uncertainty. And so long as two-thirds of Americans in this country think that we're on the wrong track, they're going to stay hunkered down, waiting for signs that things are improving.

The American people need to believe that we're putting this economy back on track, back towards growth and prosperity, and you do that through leadership. There are currently 219 regulations under consideration. Each of those regulations separately will cost us \$100 million. That's \$21.9 billion in increased regulations on businesses today that are already crushed because they can't compete. What's more, there are 4,226 new regulations in the hopper. With that many regulations costing that much money hanging over their heads, how on Earth can we expect small businesses to actually create jobs?

Today in the House, we have the ability to address some of these executive rules, all promulgated by the EPA. Those rules, collectively known as Boiler MACT and Cement MACT, put thousands of jobs in my district in jeopardy. For the life of me, I can't understand how the Vice President can stand up in front of the citizens of Land O' Lakes, Florida, talking about job creation with a straight face when the Obama administration is actively pursuing regulations like Boiler MACT and Cement MACT.

In my district alone, the Cement MACT rule could cost up to 200 cement manufacturing jobs, not adding into the total of jobs that are going to be lost on the associated industries that move it, sell it, and use it. Additionally, numerous groups and industries have made it clear that Boiler MACT regulations will cost them hundreds of millions of dollars and will put many of their employees in the unemployment line. And yet our President ignores these regulations and keeps talking about doubling down with a second stimulus, following the failed first stimulus package. Well, here we are today, doing something to actually save jobs, not just talking about it.

One of the very first actions I took as a Member of Congress was to invite the EPA to come to my office and explain to me their finalized rules in respect to the Portland cement manufacturing that goes on in my district. They said to me, We understand it's not without challenge to the industry. I may not

have been here long, but I know Washington doublespeak when I hear, Well, it's not without additional challenges to that industry.

It's not just the Cement MACT rule that's "not without challenge," Mr. Speaker. My colleague, Mr. HASTINGS, wrote a letter to the EPA about 2 months ago, and I commend him for this letter. In it, he says, "The Boiler MACT rule alone could impose tens of billions of dollars in capital costs at thousands of facilities across the country." My colleague from Florida asked the EPA to consider a more flexible approach that "could prevent severe job losses and billions of dollars in unnecessary regulatory costs."

In Florida alone, Boiler MACT will affect at least 43 boilers, requiring \$530 million in retrofits. I just heard from the Florida sugar industry, who estimates Boiler MACT for their compliance alone will cost \$350 million and cost untold jobs. I've heard from the pulp and paper workers, who may need to lay off 87,000 workers if the Boiler MACT regulations go into place. I've heard from timber producers in my district that have recently been hurt because U.S. plywood producers have had to close because of lack of demand, and now they're fearful they may have to deal with the double whammy that Boiler MACT is going to do in regards to putting businesses out of work and close them down. It could crush one of the last outlets for their timber products.

Representative HASTINGS, in his letter to the EPA, said this: "I believe that regulations can be crafted in a balanced way that sustains both the environment and jobs." I believe these bills, H.R. 2250 and H.R. 2681, meet that balance and makes that balancing possible.

These bills don't completely eliminate clean air emissions regulations for boilers, incinerators, or cement kilns, but what they do is require the agency to create regulations that actually take achievable science into account. They give the affected industry time to comply. In sum, they make the EPA think about the American workforce, Mr. Speaker; and in an environment where job creation is key, I don't see how we can't support that.

With that, I encourage my colleagues to vote "yes" on the rule, and I reserve the balance of my time.

Mr. HASTINGS of Florida. Mr. Speaker, I thank my friend, colleague, and fellow Floridian for yielding the time, and I yield myself such time as I may consume.

I rise today in opposition to the rule for H.R. 2250. In my considered opinion, both these bills are yet another effort by the Republican leadership to demonize the Environmental Protection Agency while doing nothing to create jobs for the millions of Americans who are unemployed.

My colleague Mr. NUGENT, my friend, cited the letter, the authors of same being Walter Minnick, ROBERT ADER-

HOLT, G.K. BUTTERFIELD, and JOHN SHIMKUS. I signed that letter. I was not the author of same. I do not deny any of its particulars, specifically the fact that there should be flexible approaches to address the diversity of boiler operation, sectors and fuels that could prevent severe job loss.

I would remind my friend that the measure that we were speaking of is under a stay and, therefore, the implementation of the provision will continue, I believe, to allow for the needed flexibility.

And I think you referred, and I refer again, to the portion of the joint bipartisan letter:

"As EPA turns to developing a final Boiler MACT rule"—mind you, they had not, and this was as of August of last year—"we hope you will carefully consider sustainable approaches that protect the environment and public health while fostering economic recovery and jobs within the bounds of the law."

That is precisely what I signed on to and stand by, and I don't believe that it is inconsistent with anything that my friend pointed out nor did he suggest that it would be inconsistent.

But I did also hear my friend talk about Washington doublespeak, and I distinctly heard him refer to what has now kind of perpetuated itself inside this beltway, and that is the statement that was made earlier by the distinguished Speaker of the House of Representatives that "at this moment the executive branch has 219 rules in the works that will cost our economy at least \$100 million. That means under the current Washington agenda, our economy is poised to take a hit from government of at least \$100 million."

I would ask my colleague to not follow on that pattern; otherwise, you get caught in the Washington Beltway doublespeak. The better proof allows an analysis that was done by The Washington Post, and I'm not a follower necessarily of The Washington Post Fact Checker, but so far I've not heard anyone reference them.

□ 1250

They do give people Pinocchios for when something is not the truth. It's either one Pinocchio, two or three. As it turns out, what the Washington Post said following the Speaker's comments that you have used here today, my dear friend, is that Mr. BOEHNER left the distinct impression that 219 new regulations were hanging like a sword of Damocles over the U.S. economy; but it turns out the number of potential regulations is inflated as well as the potential impact. Overall, his statement contains significant factual errors, and they give it three Pinocchios. I would urge that you not try to earn these Pinocchios that they're talking about, and let's try to get the facts straight.

Just last week, we were having this very same discussion about a bill that made it easier for power plants to emit

harmful mercury and other toxic pollutants into the air. Today, we're talking about letting industrial boilers and cement kilns do the same thing. Last week, I asked, Why is it that certain ones can follow the standards and that others can't? I still am puzzled by that. I also asked last night how it is if we don't know what the rules are going to look like that we would be smiting down, if there is such a word, the rule.

Mr. Speaker, we are judged by what we do and not by what we say. What my friends on the other side of the aisle continue to do is to call up bills that are shortsighted and undermine our ability to maintain the public health and cleanliness of our air and water. Bills like these that destroy regulations protecting the air we breathe and the water we drink have the same consequences regardless of intent. Republicans cannot close their eyes to these effects and plead good intentions.

I assure you these effects are severe. Mercury is a powerful neurotoxin that does, in fact, hinder brain development in infants and children. Other toxic metals getting a pass under these bills are arsenic, chromium and lead, which are known to cause cancer and birth defects.

Despite these facts, my friends on the other side cling to their anti-regulatory dogma with fanatical fervor. I had a friend last night say to me that some people have a conscience and brain and that others just think about dollar signs. I feel that my colleagues who have brains—I believe they have consciences—seem to place the dollar signs ahead of many of the practical matters that would benefit society.

This anti-government rhetoric has gone so far as to lead my colleagues on the other side astray of the protocols laid out by Majority Leader CANTOR. In the third protocol laid out in his Legislative Protocols for the 112th Congress, Leader CANTOR writes:

"Any bill or joint resolution authorizing discretionary appropriations shall specify the actual amount of funds being authorized. Authorizations shall not utilize terms such as 'such sums as may be necessary' or similar language that fails to specify the actual amount of funding being authorized."

Yet neither of these bills specifies how much money is authorized for the implementation of the bill, leaving the cost a mystery. Furthermore, ambiguous language in these bills will create legal uncertainty and ensure litigation. Since these bills don't specify how much they cost, neither bill contains an offset for the cost. These bills also defy Leader CANTOR's fourth protocol that we know around here as CutGo. There will be a real cost for the EPA to take on another lengthy rule creation process, but my friends on the other side have chosen to ignore this contradiction.

Mr. Speaker, these bills are not just bureaucratic infighting. They will have real and measurable effects. According to EPA's analysis, H.R. 2250 would re-

sult in a significant number of premature deaths, in a significant number of additional heart attacks, and in considerable numbers—more than 100,000—of additional asthma attacks that otherwise could have been avoided.

Likewise, H.R. 2681 would cause tens of thousands of adverse health effects, including the premature deaths that are suspected and the heart attacks and additional asthma attacks that otherwise could have been avoided.

The reason I didn't use EPA's numbers is I don't think EPA or anybody else has the prerogative to make a decision about how many people are going to die at a certain time. That said, it does not mean, however, that one person is not going to die, and it does not mean that one person is not going to have asthma. My position is one death that could be avoided is too many, and one asthma attack, if you've been around children who have them, is too many if they could be avoided.

In light of these estimates, these bills appear to be nothing more than another attempt to purge any government intervention related to keeping our air clean and environment safe.

Consider that these regulations the Republicans say are destroying jobs have not even gone into effect. The Boiler MACT rules dealing with industrial boilers, as I, along with my colleagues, wrote to EPA, are currently in an administrative state while the EPA reviews industry-provided data. That's why we sent the letter during that period of time—to ask them to please consider the diversity, as I continue to do, of boilermakers in this country.

We don't even know what those rules are going to look like; yet the Republican gut reaction is to oppose them. Or consider that the cement rules have been finalized for a year already. Most cement plants are already in compliance, and those plants that aren't are working with the EPA to get in compliance.

Mr. Speaker, based on what I've seen by the Republican-led Congress, it is clear to me that they have no intention of using their power to create jobs. I heard my colleague, my friend, say that the President's administration is not about the business with the so-called, he said, American Jobs Act. I don't know whether it would create a single job or not. We wouldn't know it until it passed, and it isn't going to be passed here in the House of Representatives because the agenda that you've laid out is an agenda that's going to attack the EPA as if they are some horror show here in this country and not an agenda, as you heard in the one minutes this morning and as you've heard from the Democratic leadership repeatedly, to bring up the Jobs Act, to put it on the floor, to let it be debated under an open rule, and to do what's necessary for us to create jobs.

The history of the Clean Air Act shows that its benefits—longer lives, healthier kids, greater workforce pro-

ductivity, and ecosystem protections—outweigh the costs by more than 30 to 1. I continue to remind my friends that the Clean Air Act was implemented under the Richard Nixon administration, and it has been in existence for 40 years. This country has experienced ups and downs during that period of time insofar as its economy is concerned, and said regulations haven't caused all of the economy to collapse.

Otherwise, during the period when Speaker Gingrich and President Clinton and those of us who were here balanced the budget, we wouldn't have been able to do it if the Clean Air Act were all that bad as you all are pointing out in your continuous attack against the EPA. In the time since the act was passed, air pollution has been reduced by more than 60 percent while the gross domestic product of the United States grew by more than 200 percent.

□ 1300

Furthermore, an EPA economic analysis found no indication that any cement plant would close due to the cement rules. At most, the analysis at this point indicated that 10 underutilized plants would go idle temporarily while waiting for economic conditions to improve.

However, if we can get the economy back on track and restore the demand for cement, then those plants will not have to go idle. We need to focus on creating customers and restoring demand. I heard that from my colleague saying that's what he hears from businesspersons, I hear that same thing, that they need demand and that they need customers. We need to make it easier for them to do that and not easier for the suppliers to pollute.

You know what's a great way to create more demand for concrete? Invest in infrastructure projects that use concrete for roads and bridges, the very same proposals called for in the President's Jobs Act.

If Republicans are so concerned with the concrete plants shutting down, you should work toward helping these businesses sell more concrete. Making it easier for them to pollute does not provide underutilized plants with new customers.

In the midst of an economy still suffering the effects of the greatest recession in a generation, the only answer my friends on the other side seem to have is to dismantle any government regulation intended to protect our Nation's public health and environment. This, Mr. Speaker, is economic extremism.

I reserve the balance of my time.

Mr. NUGENT. Mr. Speaker, I love listening to my friend from Florida (Mr. HASTINGS).

We talk about what the EPA and what this rule and underlying legislation will do. What they fail to point out is that any Member, Democrat or Republican, as it relates to any issue that this rule and the underlying legislation will address, has the ability, has

the ability to submit an amendment, an amendment process that allows us, if the bill is flawed, in our estimation, to submit an amendment, bring it up for the House, have a debate on it, and let's talk about it.

There are ways to fix legislation, not just kill it. There are ways that we can do things as it relates to, you know, business. When we talk about the ability for these companies, I will tell you that I got a different flavor on it. Not from the EPA—of course they have their own take on what's going to work and isn't going to work—but I have heard from, actually, manufacturers that it will cost jobs. It will be to their advantage, if they want, to actually load up their stuff, put it on a truck and take it to Mexico where there are no air quality standards at all, none, and we'll breathe that air forever.

My good friend brought up about CutGo, and I really need to talk about that. First of all, H.R. 2681 and 2250 fully comply with the rules of the House, including CutGo.

The CBO cost estimates clearly state that neither of these bills affect direct spending. While it may actually force the EPA to revisit the rule, they have the staff to do it. It's not like it's a new mandate to them. It's not a new program. It meets within the majority leader's legislative protocols, including discretionary CutGo.

These bills do not authorize any new appropriations, which is one of the tests for discretionary CutGo. These bills do not create any new program or office. That's an additional test on discretionary CutGo. And rulemaking is a basic, basic function of federal agencies and particularly the EPA; so they certainly have the staff available to do it without additional costs. That's part of what their job is.

Mr. Speaker, I would like to yield 5 minutes to my friend, the gentleman from Georgia (Mr. WOODALL).

Mr. WOODALL. I thank my friend from Florida for yielding me the time.

Mr. Speaker, I hope you will challenge the American people to watch this debate that happens over the next hour, because I am down here as a freshman to tell you this is exactly what is supposed to be happening in the U.S. House of Representatives. This is what is supposed to be happening in the people's House.

I hold in my hand a committee report, the committee report from H.R. 2250. It was introduced by a freshman, a freshman from the southwestern corner of Virginia who introduced it, Mr. Speaker, because he's worried about jobs in his district.

You are not going to find—and I challenge you to find, a single Member who'd come to the floor to say my freshman colleague introduced this bill because he has any motivation other than the best interests of the men and women and families that live in his district.

Now, understand that: He introduced this bill that we are going to discuss, if

this rule passes, because he is concerned about the men, women, children, the families in his district. That's why this legislation was introduced.

He introduced this legislation over the summer, June 21. On September 8 the subcommittee that deals with this legislation had a hearing. On September 8 they had a hearing, and on September 13, a week later, reported out this bill through the regular subcommittee process. We go on, Mr. Speaker, September 20, the full committee had hearings, markups on this bill, met in open markup session, and on September 21, reported out this bill, printed this committee report online for all of America to read.

And today, if the rule proposed by my friend from Florida passes, we are going to allow any Member of this House, any Member, Republican and Democrat alike, to offer any changes that they propose, any changes. All they have to do, we gave notice of that a week ago today, all they have to do is preprint their amendment in the CONGRESSIONAL RECORD, submit it by the close of business tonight so that all Members will have a chance to read it and consider it thoughtfully. Mr. Speaker, that is how this House is supposed to run: regular order, regular process, hearings, markups, and allowing any Member to have their say.

Now, nevertheless, this rule is being challenged and urged for its defeat because folks don't like the underlying idea. That's a real frustration for me, Mr. Speaker, because I grew up in a Nation where we disagree about things from time to time and that's okay.

And what we do is we disagree about them, and then we bring them to the House floor for a vote so that America gets to decide. I am the voice for 921,000 people in Georgia, and I can only speak for them when I have a vote on the House floor. This rule provides that any amendment offered by any Member of this body gets to have the voice of my 921,000 constituents heard. This is the way it's supposed to be run.

I came, Mr. Speaker, from a press conference earlier with about half the freshman class urging the Senate to take up legislation, job-creating legislation that is just sitting there in the Senate and the Senate won't take it up. Why? Because perhaps folks don't like the ideas in their entirety. Mr. Speaker, I recommend they amend them, that they adopt our process of amending bills in a way that the people's voice gets to be heard.

We don't have to agree on everything, but we have to talk about it. We have to move that legislation forward, and we have to get the American people's work done. It's not optional, Mr. Speaker. If you didn't want to get the American people's work done you shouldn't have signed up for the job. And come next November you have a chance to go back home. But if you want to get the people's work done, this is the right process to do it.

Mr. Speaker, all jobs are not created equal. I challenge anyone to come to

the floor of the House and tell me that jobs are not going to be destroyed, manufacturing jobs, good-paying manufacturing jobs, destroyed by the implementation of this rule.

Now we are going to create some other jobs. All the moving companies who move folks out of their house in my district when their homes get foreclosed on because they lost their jobs, those jobs are going to be created. We are going to create some jobs with these rules, but not the kinds of jobs that I know we want, we collectively want.

This bill has a lot of common ground in it, Mr. Speaker, and we have an opportunity in this process to find that common ground. You know, folks tell this as the tale of Republicans out to get the EPA. Nobody loves clean air more than I do. Nobody loves clean water more than I do, and I would argue no one participates in the outdoors more than I do.

□ 1310

But the EPA asked, Mr. Speaker, that they have more time to finalize this. They said, We don't have time to get it right. Can we have more time? And you know what? The Court got involved and said, no, you cannot; no more time for you. Why, Mr. Speaker? Because the Congress said no.

Today the Congress has an opportunity to say yes, Mr. Speaker. I rise in full support of the rule and the underlying legislation.

Mr. HASTINGS of Florida. Mr. Speaker, I guess it's my prerogative to assist in correcting a couple of measures. I kind of wish my good friend—and he is and he's going to be a real asset to our institution as an institutionalist, and I'm referring to my friend, Mr. WOODALL from Georgia. He and I enjoy quite a tete-a-tete in the Rules Committee. It's just that when he puts forward his proposition, I wish he had that same fervor with all of the closed rules we have had in the House up to this time. One-half of all of the rules we've promulgated until today have been under closed rules. This one is a modified open rule. And, yes, you're correct, Members can come down and they can go forward if yesterday they knew today that they had to meet by the close of business the amendment process.

Mr. WOODALL. Will the gentleman yield?

Mr. HASTINGS of Florida. I would be happy to yield to the gentleman from Georgia (Mr. WOODALL).

Mr. WOODALL. I thank the gentleman for yielding.

Of course, the Rules Committee sent out a Dear Colleague a week ago alerting them that they had until tonight. And I say to my friend, I think you're absolutely right about the need for even more openness in this House. Of course, we only had one open rule in the last Congress.

Mr. HASTINGS of Florida. Absolutely.



Mr. WOODALL. As a part of this freshman class, we're making progress. I look forward to working with you to make even more progress. And I hope, since we can agree this one is done right, that we can come together, vote in favor of this, and then look forward to our next challenge.

I thank my friend for yielding.

Mr. HASTINGS of Florida. Reclaiming my time, I can't agree that this one is done right, but it's a modified open rule. It's not an open rule, and you know that as well as do I.

But more important, I want to refer to my good friend from Florida as well when he said that CutGo is not applicable in this particular situation. I disagree. And I think what needs to be understood by my colleague, Mr. NUGENT, is we don't make these rules here in the House. The protocols have been established early on, and we don't say what CBO needs to do. I think all of us are in agreement that CBO is a non-partisan requirement, a group that estimates for us what would be the net cost of legislation.

In this particular measure that we are considering, H.R. 2681, CBO estimates that implementing H.R. 2681 would have a net cost of a million dollars over the next 5 years. The cost of this legislation falls within budget function 300, natural resources and environment.

Now then, I repeat the protocols enunciated and promulgated by the majority leader, Mr. CANTOR: any bill or joint resolution which authorizes the appropriation of funds for any new agency, office, program activity, or benefit shall also include language offsetting the full value of such authorization through a reduction in the authorization of current ongoing spending.

Now, that just is not happening here. And CutGo, although applicable, is being waived, I guess.

At this time, I'm very pleased to yield 3 minutes to the distinguished gentleman from Oregon, my good friend and classmate, Mr. BLUMENAUER.

Mr. BLUMENAUER. Mr. Speaker, I appreciate the gentleman's courtesy in permitting me to speak on this. And I must say, I could not agree more with the gentleman from Florida. If we were really concerned about creating job opportunities and strengthening the cement industry, we would be moving forward with legislation to rebuild and renew America, to deal with crumbling roads, inadequate transit systems, unsafe bridges, water and sewage systems, and treatment plants that need investment.

Sadly, what we have seen since the new majority assumed office is that, in fact, they have been involved with a series of initiatives that are actually cutting back on that initiative, that are reducing resources for infrastructure at exactly the time when America needs them the most.

Now, I'm sorry, but this bill continues an agenda that we heard articu-

lated a great deal last week, that is, not willing to take the 21-year delay from the amendments to the Clean Air Act and move forward to have something in effect by 2013. They want to delay, to start over in many of these cases.

Now remember, in 1990 we amended the Clean Air Act to require these regulations to be completed by the year 2000. But a combination of the Republican takeover of Congress and foot dragging by the Bush administration meant that we weren't ready. When they came up with something out of the Bush EPA, it was inadequate and the courts threw it out. Well, we're back trying to deal with this responsibility.

Now, concern was raised about who cares about people in their districts. Well, I would be prepared to argue that anybody ought to look at the research that's available. Look at the tens of thousands of lives that will be impacted: 6,600 lives every year will be saved by the boiler rule; 2,500 lives a year by the cement rule. Per year. This affects people in every district; massive health care savings across America from people who won't be subjected to those conditions. If you care about people that you represent, you ought to factor in these health considerations.

Now, this legislation requires EPA to toss out work that it has already done and replace it with the least burdensome standard, including the work practice standard which is only a requirement to keep the equipment in working order and regularly tuned up. If we had adopted that initiative, that philosophy 20 years ago, tens of thousands of people would have died.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. HASTINGS of Florida. I yield the gentleman an additional 1 minute.

Mr. BLUMENAUER. But we didn't. We moved forward. And, in fact, the record shows, despite arguments like we've heard today, there were tens of thousands of jobs created complying with the Clean Air Act requirements.

But what would they do here? You know, as my good friend from Florida pointed out, there are many in the industry who are already complying. They've seen the handwriting on the wall. They want to be good citizens, or there is pressure locally to clean up their act. This bill would reward the people who are dragging their feet and have the dirtiest plants and equipment, and penalize the people who are being responsible environmental stewards.

You know, my friends on the other side of the aisle oftentimes adopt rhetoric that the 17,000 men and women who work in EPA are the enemy of the American people, are the enemy of the economy. Well, I suggest they ought to get acquainted with some of their constituents who work for the EPA.

The SPEAKER pro tempore. The time of the gentleman has again expired.

Mr. HASTINGS of Florida. I yield the gentleman an additional 30 seconds.

Mr. BLUMENAUER. And work to make sure that they have the resources to do their jobs right, and to stop making them political footballs.

I've had my disagreements over the years with EPA, but I respect the men and women who work there. I understand the pressures they're under, and Congress is not helping them do their job any better. And this would be a dramatic step backward. Mercifully, it won't go any place in the Senate, and the President would veto it anyway. But, we should understand what is going on.

Mr. NUGENT. Mr. Speaker, I would just like to remind my colleagues that this does not violate CutGo. Clearly on its face, as he said, making my point, this does not authorize any new spending, not a penny.

With that, I yield 3 minutes to the gentleman from Illinois (Mr. SHIMKUS). (Mr. SHIMKUS asked and was given permission to revise and extend his remarks.)

Mr. SHIMKUS. Mr. Speaker, I'm pleased to come down here to thank the Rules Committee for the modified open rule and a chance for us to go through this bill bit by bit, amendment by amendment, to address concerns that my friends on the other side of the aisle might have about this.

□ 1320

I am following my good friend from Oregon, and I appreciate his passion. But I come to the floor to talk about the jobs. And the EPA, whom I've also rallied against numerous times, produced the Cross-State Air Pollution Rule in July. The result of that is two power plants in Illinois are closing. One is 369 megawatts, and the other one is 302 megawatts. That means 671 megawatts of basal power is going to be offline. If you understand the law of supply and demand—less supply plus similar demand or higher demand equals higher costs—then it's very easy to project higher energy costs for everybody across this country because of that rule.

Secondly, the job losses. In the first plant, 14 management and 39 union-represented employees will lose their jobs. That's at plant number one. At plant number two, eight management and 29 union-represented employees will lose their jobs.

We do this and we come down and we have these debates on the role of the EPA so that we can have the debate about jobs in this economy. This is not the time—in fact, I have asked the President, the best thing he could do for his own reelection and for the country is stop doing things. Put a hold on new rules and new regulations and let the economy recover. Let's put people back to work. Let's make these power plants that are employing these folks still have jobs. Let's make sure the tax base in these small rural communities that these power plants pay taxes to still have that property tax revenue going.

Boiler MACT is another example of what we did last week, and these effects on job losses are real. This announcement was done today. Boiler MACT will affect a lot of municipal power plants who have a contractual obligation with their citizens saying we will locally produce power. And so they are breaking contract with their citizens. The Cement MACT is another example of when we talk about jobs and infrastructure. The result of these cement plants closing is that we will import cement.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. NUGENT. I yield the gentleman 30 additional seconds.

Mr. SHIMKUS. I would just ask my friends, does that make sense that we are now going to import cement at higher cost from countries who aren't complying with these rules and regulations? I think not. This debate is about jobs and the economy. Now is not the time to ratchet down these rules so we make it more difficult to create jobs, keep jobs, and grow this economy.

Mr. HASTINGS of Florida. Mr. Speaker, I would just remind my friend that when plants like he referenced are closed, it doesn't mean that the demand is not still there. And what happens is it means that new plants are being built. And guess what happens when you build new plants? You use steel, you use cement, and you have jobs. So I'm not certain that analogy that he put forward holds in that case.

I would tell my friend from Florida to know that I have no further speakers at this time and I am prepared to close.

Mr. NUGENT. I thank my friend from Florida for that.

Mr. Speaker, the last Member that spoke talked about closing coal-fired electric plants. It is amazing that the President just last month put in abeyance an EPA rule as it related to just that issue. He put in abeyance that rule because he said that it was going to cost jobs at a time when we could least afford closing plants and cutting jobs. The President gets it, and I applaud him for doing just that.

I reserve the balance of my time.

Mr. HASTINGS of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. NUGENT and I are from Florida. The largest supplier of energy—electricity, specifically—in Florida is a company known to him and me as Florida Power and Light. Mr. NUGENT probably does not remember that I ran for the Public Service Commission in the State of Florida to deal with regulatory matters and to address the ongoing concerns. And much of what we talked about at that time, in addition to two lawsuits that I had filed in my community, was about coal-fired electric generating plants.

Florida Power and Light, being an extremely responsible energy producer, has taken upon itself to eliminate much of their coal-fired activity. And

in spite of all these regulations and their alleged uncertainty and everything having to do with it, they now are using gas-fired facilities and working on trying to reduce emissions, period, and have no problems. The largest electricity producer in this country is Exelon, which has no power. They come from Mr. SHIMKUS', the gentleman that just spoke, territory in Illinois. That's where they're based, and they have no concerns with complying with these regulatory matters.

Now, one thing I heard about cement being imported, the reason for that is the low demand. And if my Governor and some of these other Governors would get off the dime and go about the business, and if this Congress was to go about the business of implementing the infrastructure provisions that are offered in the Jobs Act of the President, then we would use more cement, and we wouldn't have to get any from anywhere as we have not in the past when the economy has that kind of demand.

For people who believe in the Republican anti-government, "the EPA is the evildoer of the world" doctrine found in many of these bills—and I might add we will see more of this according to the majority leader—we are going to demonize EPA, those 17,000 employees. I found it ironic that someone commented a minute ago that they have enough staff in order to be able to do it, while at the same time every time we look to cut some agency, we are cutting EPA, and many people in the Republican Party have used as their mantra the elimination of the EPA.

So I don't know that they could offer any kind of regulation on the Clean Air Act or anything else. But I offer to them these suggestions: If you don't like regulation, don't drive on roads; don't fly; don't go to national parks; don't worry about listeria in cantaloupe and lettuce; don't worry about mercury, chrome, cadmium, and other toxins that pollute the air and cause our children to have asthma. Just don't do that. Don't have any regulations. Just go about your business. And we would then find ourselves in mass confusion with people with premature deaths that are unnecessary.

We can do this. We can have a conscience and a brain and we can make money in this country. We've done it in the past; we will do it in the future.

I urge my colleagues to vote "no" on this rule and on the underlying bill, and I yield back the balance of my time.

Mr. NUGENT. Mr. Speaker, once again I want to thank my colleague from Florida for his eloquent words.

It is about America getting back on track. It is about America worrying about regulations that are going to kill jobs. As I mentioned earlier, the President is even concerned that overregulation by the EPA would do just that, kill jobs when we can least afford it.

□ 1330

If you look at this act, what we're talking about doing is not eliminating

anything. It's about saying 15 months to get it together at the EPA, to look at it, and let's not kill jobs in America. It gives 5 years, then, for those businesses that I've met with that are more than willing to do their fair share to keep the air that we breathe and the water that we drink clean and pure.

I live in Florida. Mr. HASTINGS lives in Florida. We depend upon clean air and water in Florida just like many other States. So, Mr. Speaker, I support this rule and encourage my colleagues to support it as well.

Despite what President Obama and Vice President BIDEN would have you think—giving a bus tour and the Vice President's being in Land O' Lakes, Florida—speeches don't create jobs. For the President, it may be a joke to say shovel-ready jobs, you know, weren't as shovel ready as we thought with the first stimulus package, but the American people footed that bill, and it's no joke to them.

Mr. President and Mr. Vice President need to recognize the reality that H.R. 2250 and H.R. 2681 recognize that jobs are not created in a vacuum, that government creates an environment in which job creators operate. Regulations like Boiler MACT and Cement MACT do nothing to encourage industry to invest in America. Instead, they force employers to shut their doors, move jobs overseas or just across the border to Mexico. They force us to lose our manufacturing base and import cement from countries like China.

I'm proud to play a part in rolling back this type of regulation. I encourage my colleagues to join me in this effort by supporting H. Res. 419 and the underlying bills, H.R. 2250 and H.R. 2681.

With that, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. NUGENT. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

#### CONTINUING APPROPRIATIONS ACT, 2012

Mr. ROGERS of Kentucky. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 2608.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

Mr. ROGERS of Kentucky. Mr. Speaker, pursuant to the unanimous consent agreement of yesterday, I call

up the bill (H.R. 2608) to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes, with a Senate amendment to the House amendment to the Senate amendment thereto, and have a motion at the desk.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The Clerk will designate the Senate amendment to the House amendment to the Senate amendment.

The text of the Senate amendment to the House amendment to the Senate amendment is as follows:

Senate amendment to House amendment to Senate amendment:

In lieu of the matter proposed to be inserted by the House amendment to Senate amendment, insert the following:

That the following sums are hereby appropriated, out of any money in the Treasury not otherwise appropriated, and out of applicable corporate or other revenues, receipts, and funds, for the several departments, agencies, corporations, and other organizational units of Government for fiscal year 2012, and for other purposes, namely:

SEC. 101. (a) Such amounts as may be necessary, at a rate for operations as provided in the applicable appropriations Acts for fiscal year 2011 and under the authority and conditions provided in such Acts, for continuing projects or activities (including the costs of direct loans and loan guarantees) that are not otherwise specifically provided for in this Act, that were conducted in fiscal year 2011, and for which appropriations, funds, or other authority were made available in the following appropriations Acts:

(1) The Department of Defense Appropriations Act, 2011 (division A of Public Law 112-10).

(2) The Full-Year Continuing Appropriations Act, 2011 (division B of Public Law 112-10).

(b) The rate for operations provided by subsection (a) is hereby reduced by 1.503 percent.

SEC. 102. (a) No appropriation or funds made available or authority granted pursuant to section 101 for the Department of Defense shall be used for (1) the new production of items not funded for production in fiscal year 2011 or prior years; (2) the increase in production rates above those sustained with fiscal year 2011 funds; or (3) the initiation, resumption, or continuation of any project, activity, operation, or organization (defined as any project, subproject, activity, budget activity, program element, and subprogram within a program element, and for any investment items defined as a P-1 line item in a budget activity within an appropriation account and an R-1 line item that includes a program element and subprogram element within an appropriation account) for which appropriations, funds, or other authority were not available during fiscal year 2011.

(b) No appropriation or funds made available or authority granted pursuant to section 101 for the Department of Defense shall be used to initiate multi-year procurements utilizing advance procurement funding for economic order quantity procurement unless specifically appropriated later.

SEC. 103. Appropriations made by section 101 shall be available to the extent and in the manner that would be provided by the pertinent appropriations Act.

SEC. 104. Except as otherwise provided in section 102, no appropriation or funds made available or authority granted pursuant to section 101 shall be used to initiate or resume any project or activity for which appropriations, funds, or other authority were not available during fiscal year 2011.

SEC. 105. Appropriations made and authority granted pursuant to this Act shall cover all obli-

gations or expenditures incurred for any project or activity during the period for which funds or authority for such project or activity are available under this Act.

SEC. 106. Unless otherwise provided for in this Act or in the applicable appropriations Act for fiscal year 2012, appropriations and funds made available and authority granted pursuant to this Act shall be available until whichever of the following first occurs: (1) the enactment into law of an appropriation for any project or activity provided for in this Act; (2) the enactment into law of the applicable appropriations Act for fiscal year 2012 without any provision for such project or activity; or (3) November 18, 2011.

SEC. 107. Expenditures made pursuant to this Act shall be charged to the applicable appropriation, fund, or authorization whenever a bill in which such applicable appropriation, fund, or authorization is contained is enacted into law.

SEC. 108. Appropriations made and funds made available by or authority granted pursuant to this Act may be used without regard to the time limitations for submission and approval of apportionments set forth in section 1513 of title 31, United States Code, but nothing in this Act may be construed to waive any other provision of law governing the apportionment of funds.

SEC. 109. Notwithstanding any other provision of this Act, except section 106, for those programs that would otherwise have high initial rates of operation or complete distribution of appropriations at the beginning of fiscal year 2012 because of distributions of funding to States, foreign countries, grantees, or others, such high initial rates of operation or complete distribution shall not be made, and no grants shall be awarded for such programs funded by this Act that would impinge on final funding prerogatives.

SEC. 110. This Act shall be implemented so that only the most limited funding action of that permitted in the Act shall be taken in order to provide for continuation of projects and activities.

SEC. 111. (a) For entitlements and other mandatory payments whose budget authority was provided in appropriations Acts for fiscal year 2011, and for activities under the Food and Nutrition Act of 2008, activities shall be continued at the rate to maintain program levels under current law, under the authority and conditions provided in the applicable appropriations Act for fiscal year 2011, to be continued through the date specified in section 106(3).

(b) Notwithstanding section 106, obligations for mandatory payments due on or about the first day of any month that begins after October 2011 but not later than 30 days after the date specified in section 106(3) may continue to be made, and funds shall be available for such payments.

SEC. 112. Amounts made available under section 101 for civilian personnel compensation and benefits in each department and agency may be apportioned up to the rate for operations necessary to avoid furloughs within such department or agency, consistent with the applicable appropriations Act for fiscal year 2011, except that such authority provided under this section shall not be used until after the department or agency has taken all necessary actions to reduce or defer non-personnel-related administrative expenses.

SEC. 113. Funds appropriated by this Act may be obligated and expended notwithstanding section 10 of Public Law 91-672 (22 U.S.C. 2412), section 15 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2680), section 313 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (22 U.S.C. 6212), and section 504(a)(1) of the National Security Act of 1947 (50 U.S.C. 414(a)(1)).

SEC. 114. (a) Except as provided in subsection (b), each amount incorporated by reference in this Act that was previously designated as being

for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010, is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, except that such amount shall be available only if the President subsequently so designates such amount and transmits such designation to the Congress. Section 101(b) of this Act shall not apply to any amount so designated.

(b) Subsection (a) shall not apply to amounts for "Department of Justice—Federal Bureau of Investigation—Salaries and Expenses".

SEC. 115. During the period covered by this Act, discretionary amounts appropriated for fiscal year 2012 that were provided in advance by appropriations Acts shall be available in the amounts provided in such Acts, reduced by the percentage in section 101(b).

SEC. 116. Notwithstanding section 101, amounts made available by this Act for "Department of Defense—Operation and Maintenance—Operation and Maintenance, Air Force" may be used by the Secretary of Defense for operations and activities of the Office of Security Cooperation in Iraq and security assistance teams, including life support, transportation and personal security, and facilities renovation and construction: Provided, That the authority made by this section shall continue in effect through the date specified in section 106(3) of this Act: Provided further, That section 9014 of division A of Public Law 112-10 shall not apply to funds appropriated by this Act.

SEC. 117. Notwithstanding section 101, funds made available in title IX of division A of Public Law 112-10 for "Overseas Contingency Operations" shall be available at a rate for operations not to exceed the rate permitted by H.R. 2219 (112th Congress) as passed by the House of Representatives on July 8, 2011.

SEC. 118. The authority provided by section 127b of title 10, United States Code, shall continue in effect through the date specified in section 106(3) of this Act.

SEC. 119. The authority provided by section 1202 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109-364; 120 Stat. 2412), as extended by section 1204(b) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417; 122 Stat. 4623), shall continue in effect through the date specified in section 106(3) of this Act.

SEC. 120. Notwithstanding section 101, amounts are provided for "Defense Nuclear Facilities Safety Board—Salaries and Expenses" at a rate for operations of \$29,130,000.

SEC. 121. Notwithstanding any other provision of this Act, except section 106, the District of Columbia may expend local funds under the heading "District of Columbia Funds" for such programs and activities under title IV of H.R. 2434 (112th Congress), as reported by the Committee on Appropriations of the House of Representatives, at the rate set forth under "District of Columbia Funds—Summary of Expenses" as included in the Fiscal Year 2012 Budget Request Act of 2011 (D.C. Act 19-92), as modified as of the date of the enactment of this Act.

SEC. 122. Notwithstanding section 101, amounts are provided for the necessary expenses of the Recovery Accountability and Transparency Board, to carry out its functions under title XV of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5), at a rate for operations of \$28,350,000.

SEC. 123. (a) Section 9(m) of the Small Business Act (15 U.S.C. 638(m)) shall be applied by substituting the date specified in section 106(3) of this Act for "September 30, 2011".

(b) Notwithstanding section 9(n)(1)(A) of the Small Business Act (15 U.S.C. 638(n)(1)(A)), the

Small Business Technology Transfer Program shall continue in effect through the date specified in section 106(3) of this Act.

(c) Notwithstanding section 9(y)(6) of the Small Business Act (15 U.S.C. 638(y)(6)), the pilot program under section 9(y) of such Act shall continue in effect through the date specified in section 106(3) of this Act.

SEC. 124. Section 8909a(d)(3)(A)(v) of title 5, United States Code, is amended by striking “September 30, 2011” and inserting the date specified in section 106(3) of this Act.

SEC. 125. (a) Notwithstanding section 101, amounts are provided for “Department of Homeland Security—Federal Emergency Management Agency—Disaster Relief” at a rate for operations of \$2,650,000,000: Provided, That the Secretary of Homeland Security shall provide a full accounting of disaster relief funding requirements for such account for fiscal year 2012 not later than 15 days after the date of the enactment of this Act, and for fiscal year 2013 in conjunction with the submission of the President’s budget request for fiscal year 2013.

(b) The accounting described in subsection (a) for each fiscal year shall include estimates of the following amounts:

(1) The unobligated balance of funds in such account that has been (or will be) carried over to such fiscal year from prior fiscal years.

(2) The unobligated balance of funds in such account that will be carried over from such fiscal year to the subsequent fiscal year.

(3) The amount of the rolling average of non-catastrophic disasters, and the specific data used to calculate such rolling average, for such fiscal year.

(4) The amount that will be obligated each month for catastrophic events, delineated by event and State, and the total remaining funding that will be required after such fiscal year for each such catastrophic event for each State.

(5) The amount of previously obligated funds that will be recovered each month of such fiscal year.

(6) The amount that will be required in such fiscal year for emergencies, as defined in section 102(1) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122(1)).

(7) The amount that will be required in such fiscal year for major disasters, as defined in section 102(2) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122(2)).

(8) The amount that will be required in such fiscal year for fire management assistance grants, as defined in section 420 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5187).

SEC. 126. Any funds made available pursuant to section 101 for the Department of Homeland Security may be obligated at a rate for operations necessary to sustain essential security activities, such as: staffing levels of operational personnel; immigration enforcement and removal functions, including sustaining not less than necessary detention bed capacity; and United States Secret Service protective activities, including protective activities necessary to secure National Special Security Events. The Secretary of Homeland Security shall notify the Committees on Appropriations of the House of Representatives and the Senate on each use of the authority provided in this section.

SEC. 127. The authority provided by section 532 of Public Law 109–295 shall continue in effect through the date specified in section 106(3) of this Act.

SEC. 128. The authority provided by section 831 of the Homeland Security Act of 2002 (6 U.S.C. 391) shall continue in effect through the date specified in section 106(3) of this Act.

SEC. 129. Section 550(b) of the Department of Homeland Security Appropriations Act, 2007 (6 U.S.C. 121 note) shall be applied by substituting the date specified in section 106(3) of this Act for “October 4, 2011”.

SEC. 130. Sections 1309(a) and 1319 of the National Flood Insurance Act of 1968 (42 U.S.C. 4016(a) and 4026) shall be applied by substituting the date specified in section 106(3) of this Act for “September 30, 2011”.

SEC. 131. Section 330 of the Department of the Interior and Related Agencies Appropriations Act, 2001 (42 U.S.C. 1701 note), concerning Service First authorities, shall continue in effect through the date specified in section 106(3) of this Act.

SEC. 132. Notwithstanding section 101, section 1807 of Public Law 112–10 shall be applied by substituting “\$374,743,000” for “\$363,843,000” and “\$10,900,000” for “\$3,000,000”.

SEC. 133. The second proviso of section 1801(a)(3) of Public Law 112–10 is amended by striking “appropriation under this subparagraph” and inserting “appropriations made available by this Act”.

SEC. 134. Notwithstanding section 101, amounts are provided for “Federal Mine Safety and Health Review Commission—Salaries and Expenses” at a rate for operations of \$14,510,000.

SEC. 135. Sections 399AA(e), 399BB(g), and 399CC(f) of the Public Health Service Act (42 U.S.C. 280i(e), 280i–1(g), 280i–2(f)) shall be applied by substituting the date specified in section 106(3) of this Act for “September 30, 2011”.

SEC. 136. Notwithstanding section 101, section 2005 of division B of Public Law 112–10 shall be applied by substituting “\$0” for each dollar amount.

SEC. 137. The Export-Import Bank Act of 1945 (12 U.S.C. 635 et seq.) shall be applied by substituting the date specified in section 106(3) of this Act for “September 30, 2011” in section 7 of such Act.

SEC. 138. Section 209 of the International Religious Freedom Act of 1998 (22 U.S.C. 6436) shall be applied by substituting the date specified in section 106(3) of this Act for “September 30, 2011”.

SEC. 139. Commitments to guarantee loans incurred under the General and Special Risk Insurance Funds, as authorized by sections 238 and 519 of the National Housing Act (12 U.S.C. 1715e–3 and 1735c), shall not exceed a rate for operations of \$25,000,000,000: Provided, That total loan principal, any part of which is to be guaranteed, may be apportioned through the date specified in section 106(3) of this Act, at \$80,000,000 multiplied by the number of days covered in this Act.

SEC. 140. (a) RENEWAL OF IMPORT RESTRICTIONS UNDER BURMESE FREEDOM AND DEMOCRACY ACT OF 2003.—

(1) IN GENERAL.—Congress approves the renewal of the import restrictions contained in section 3(a)(1) and section 3A (b)(1) and (c)(1) of the Burmese Freedom and Democracy Act of 2003.

(2) RULE OF CONSTRUCTION.—This section shall be deemed to be a “renewal resolution” for purposes of section 9 of the Burmese Freedom and Democracy Act of 2003.

(b) EFFECTIVE DATE.—This section shall take effect on July 26, 2011.

(c) APPLICABILITY.—This section shall not be subject to any other provision of this Act.

This Act may be cited as the “Continuing Appropriations Act, 2012”.

#### MOTION TO CONCUR

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. Rogers of Kentucky moves that the House concur in the Senate amendment to the House amendment to the Senate amendment to H.R. 2608.

The SPEAKER pro tempore. Pursuant to the order of the House of Monday, October 3, 2011, the motion shall be debatable for 1 hour, equally divided and controlled by the chair and rank-

ing minority member of the Committee on Appropriations.

The gentleman from Kentucky (Mr. ROGERS) and the gentleman from Washington (Mr. DICKS) each will control 30 minutes.

The Chair recognizes the gentleman from Kentucky.

Mr. ROGERS of Kentucky. I yield myself such time as I may consume.

Mr. Speaker, I rise today to bring to the floor the continuing appropriations resolutions to keep the Federal Government operating until November 18, 2011, and to continue support for disaster relief projects.

This version of the bill—which is virtually identical to the one the House voted on last week—funds the government at a rate of \$1.043 trillion and provides \$2.65 billion in fiscal year 2012 funding for the Federal Emergency Management Agency and other disaster aid programs. However, this bill no longer includes \$1 billion in emergency fiscal year 2011 funding for FEMA and the Corps of Engineers nor the offset for those funds. The Senate dropped these provisions after the White House and FEMA suddenly—and, I might add, mysteriously—announced that these funds were no longer necessary. While in the short term FEMA says it can get by without the additional emergency funding, it’s clear that the agency will soon need additional money to continue ongoing relief and recovery efforts from recent devastating natural disasters.

I’m disappointed, Mr. Speaker, that the agency has apparently been playing games with the numbers, and my committee is closely examining why FEMA’s estimates changed at the 11th hour. The committee also remains committed to providing the proper amount of emergency assistance that families and communities across the country rely upon.

Mr. Speaker, we have now entered into the new fiscal year, and we need to keep the doors of the government open to the American people who rely on its programs and its services. We simply must not leave our citizens in the lurch, particularly as thousands of American families and communities continue to rebuild following devastating natural disasters across the country.

Furthermore, our economy can’t handle the instability that comes from the threat of a government shutdown. This bill supports vital government operations but still saves the American taxpayers billions of dollars by maintaining the overall funding level agreed to in the recently enacted Budget Control Act. We are committed to reining in spending at every step, and this reduced funding rate will help our Nation return to more sound fiscal footing.

In addition, this legislation gives both the House and the Senate more time to finish our work on the fiscal year 2012 appropriations bills, legislation that will continue the trend of reducing Federal spending to more responsible and sustainable levels.

The House has made great progress on this year's appropriations bills, and I intend to wrap up this work as quickly as possible to provide for the economic and fiscal security of our Nation and the needs of the American public.

I urge my colleagues to support the bill, and I reserve the balance of my time.

Mr. DICKS. I yield myself such time as I may consume.

Mr. Speaker, the CR before us runs through November 18. The CR continues funding at last year's level minus 1.053 percent to ensure that spending is limited to \$1.043 trillion, the amount agreed to in the Budget Control Act.

Democrats voted "no" previously for two reasons: We strongly oppose taking funding from the Advanced Technology Vehicle Manufacturing program. This is a program that has proven to be a success in creating jobs. The Department of Energy estimates the loan guarantees have created or maintained 39,000 jobs in California, Delaware, Illinois, Indiana, Kentucky, Ohio, Michigan, Missouri, and Tennessee. The pending applications will help create more jobs. The money received by the companies is paid back to the government with interest. We also strongly oppose the notion that efforts to help Americans rebuild their lives after floods, hurricanes, wildfires, and other natural disasters should be put on hold until Congress can agree on offsetting reductions in spending.

FY12 has begun, so there is no need for FY11 disaster relief funding in the CR. In earlier versions, House Republicans had insisted on offsetting FY11 disaster relief funding. The CR under consideration today no longer cuts funding for ATVM and does not require an offset.

I urge a "yes" vote, and I yield back the balance of my time.

Mr. ROGERS of Kentucky. I yield back the balance of my time.

Mr. PETERS. Mr. Speaker, I rise today to thank my Democratic colleagues for standing with me to protect a program that has created or saved over 41,000 auto jobs.

At one point during this debate, many thought that the Republicans would be successful in cutting \$1.5 billion from a program that literally moved production of the Ford Focus from Mexico to Michigan creating thousands of badly needed manufacturing jobs.

But we proved them wrong. We proved that a united Democratic Caucus can stand up and win when we're working to save jobs.

By uniting, we showed Speaker BOEHNER that Democrats in the House would not stand by and accept a plan to kill tens of thousands of jobs.

Today marks a victory for working Americans, but we must never let our guard down.

As long as Republicans continue to put Tea Party Special Interests and corporate outsourcers before American jobs, the fight will continue.

I hope that our friends on the other side of the aisle will take this opportunity to end their war on jobs and the American Middle Class but if they do not, we will unite and fight back once again.

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to the order of the House of Monday, October 3, 2011, the previous question is ordered.

The question is on the motion by the gentleman from Kentucky (Mr. ROGERS).

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. ROGERS of Kentucky. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

## RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess for a period of less than 15 minutes.

Accordingly (at 1 o'clock and 42 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 1345

## AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. BASS of New Hampshire) at 1 o'clock and 45 minutes p.m.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on questions previously postponed.

Votes will be taken in the following order: the motion to concur with regard to H.R. 2608, and adoption of House Resolution 419.

The first electronic vote will be conducted as a 15-minute vote. The second vote in this series will be conducted as a 5-minute vote.

## CONTINUING APPROPRIATIONS ACT, 2012

The SPEAKER pro tempore. The unfinished business is the question on adoption of the motion to concur in the Senate amendment to the House amendment to the Senate amendment to the bill (H.R. 2608) to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes, on which the yeas and nays were ordered. The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion to concur.

The vote was taken by electronic device, and there were—yeas 352, nays 66, not voting 15, as follows:

Ackerman	Dreier	Long
Adams	Duffy	Lowey
Akin	Edwards	Lucas
Alexander	Ellmers	Luetkemeyer
Altmire	Emerson	Lujan
Amodei	Engel	Lungren, Daniel E.
Andrews	Eshoo	Lynch
Baca	Farenthold	Maloney
Bachus	Farr	Manzullo
Baldwin	Fattah	Marchant
Barletta	Filner	Marino
Barrow	Fincher	Markey
Bartlett	Fitzpatrick	Matheson
Bass (CA)	Fleischmann	Matsui
Bass (NH)	Flores	McCarthy (CA)
Becerra	Forbes	McCarthy (NY)
Benishek	Fortenberry	McCaul
Berg	Fox	McCollum
Berkley	Frank (MA)	McCotter
Berman	Frelinghuysen	McDermott
Biggert	Fudge	McGovern
Blibray	Galleghy	McHenry
Bilirakis	Garamendi	McIntyre
Bishop (GA)	Garrett	McKeon
Bishop (NY)	Gerlach	McKinley
Bishop (UT)	Gibbs	McMorris
Black	Gibson	Rodgers
Blackburn	Gonzalez	McNerney
Blumenauer	Goodlatte	Meehan
Bonner	Gosar	Meeks
Bono Mack	Granger	Mica
Boren	Graves (MO)	Michaud
Boswell	Green, Al	Miller (FL)
Boustany	Green, Gene	Miller (MI)
Brady (PA)	Griffin (AR)	Miller (NC)
Brady (TX)	Griffith (VA)	Miller, Gary
Braley (IA)	Grijalva	Miller, George
Brown (FL)	Grimm	Moore
Buchanan	Guinta	Moran
Bucshon	Guthrie	Murphy (CT)
Buerkle	Gutierrez	Murphy (PA)
Butterfield	Hahn	Myrick
Calvert	Hall	Neal
Camp	Hanabusa	Noem
Campbell	Hanna	Nugent
Canseco	Harper	Nunes
Cantor	Hartzler	Nunnelee
Capito	Hastings (FL)	Olson
Capps	Hastings (WA)	Olver
Cardoza	Hayworth	Owens
Carnahan	Heck	Palazzo
Carney	Heinrich	Pallone
Carson (IN)	Hensarling	Pascrell
Carter	Herger	Pastor (AZ)
Cassidy	Herrera Beutler	Paulsen
Castor (FL)	Higgins	Payne
Chabot	Himes	Pelosi
Chaffetz	Hinchey	Perlmutter
Chandler	Hirono	Peters
Chu	Hochul	Peterson
Cicilline	Holden	Petri
Clarke (MI)	Holt	Pitts
Clarke (NY)	Honda	Platts
Clay	Hoyer	Price (GA)
Cleaver	Hunter	Price (NC)
Coble	Hurt	Quigley
Cohen	Inslee	Rahall
Cole	Israel	Rangel
Conaway	Issa	Rehberg
Connolly (VA)	Jackson (IL)	Reichert
Cooper	Jackson Lee	Renacci
Costa	(TX)	Reyes
Courtney	Johnson (GA)	Ribble
Cravaack	Johnson (OH)	Richardson
Crawford	Johnson, Sam	Richmond
Crenshaw	Kaptur	Rigell
Critz	Keating	Rivera
Crowley	Kelly	Roby
Cuellar	Kildee	Roe (TN)
Culberson	Kind	Rogers (KY)
Cummings	King (NY)	Rogers (MI)
Davis (CA)	Kinzing (IL)	Rohrabacher
Davis (IL)	Kissell	Rokita
Davis (KY)	Kline	Rooney
DeFazio	Lance	Ros-Lehtinen
DeGette	Langevin	Roskam
DeLauro	Lankford	Ross (AR)
Denham	Larsen (WA)	Ross (FL)
Dent	Latham	Rothman (NJ)
Deutch	LaTourette	Roybal-Allard
Diaz-Balart	Latta	Royce
Dicks	Levin	Runyan
Dingell	Lewis (CA)	Ruppersberger
Doggett	Lipinski	Rush
Donnelly (IN)	LoBiondo	Ryan (WI)
Doyle	Loeback	

[Roll No. 745]

YEAS—352

Sánchez, Linda T.	Simpson Sires	Upton Velázquez
Sanchez, Loretta	Smith (NE)	Visclosky
Sarbanes	Smith (NJ)	Walberg
Scalise	Smith (TX)	Walden
Schakowsky	Smith (WA)	Walz (MN)
Schiff	Speier	Wasserman Schultz
Schilling	Stark	Waters
Schmidt	Stivers	Watt
Schock	Sullivan	Waxman
Schrader	Sutton	Webster
Schwartz	Terry	Welch
Scott (VA)	Thompson (CA)	West
Scott, Austin	Thompson (MS)	Whitfield
Scott, David	Thompson (PA)	Wittman
Sensenbrenner	Thornberry	Wolf
Serrano	Tiberi	Womack
Sessions	Tierney	Woodall
Sewell	Tonko	Yarmuth
Sherman	Towns	Young (AK)
Shimkus	Tsongas	Young (FL)
Shuler	Turner (NY)	Young (IN)
Shuster	Turner (OH)	

## NAYS—66

Aderholt	Gowdy	Napolitano
Amash	Graves (GA)	Neugebauer
Austria	Harris	Paul
Barton (TX)	Huelskamp	Pearce
Brooks	Huizenga (MI)	Pingree (ME)
Broun (GA)	Hultgren	Poe (TX)
Burgess	Jenkins	Pompeo
Burton (IN)	Johnson (IL)	Posey
Capuano	Jones	Quayle
Clyburn	Jordan	Reed
Coffman (CO)	King (IA)	Ryan (OH)
Conyers	Kucinich	Schweikert
DesJarlais	Labrador	Scott (SC)
Duncan (SC)	Lamborn	Southerland
Duncan (TN)	Landry	Stearns
Ellison	Lee (CA)	Stutzman
Flake	Lewis (GA)	Tipton
Fleming	Lofgren, Zoe	Walsh (IL)
Franks (AZ)	Mack	Westmoreland
Gardner	McClintock	Wilson (SC)
Gingrey (GA)	Mulvaney	Woolsey
Gohmert	Nadler	Yoder

## NOT VOTING—15

Bachmann	Johnson, E. B.	Polis
Costello	Kingston	Rogers (AL)
Dold	Larson (CT)	Slaughter
Giffords	Lummis	Van Hollen
Hinojosa	Pence	Wilson (FL)

□ 1409

Messrs. SCHWEIKERT, LEWIS of Georgia, COFFMAN of Colorado, FLAKE, POSEY, and JONES changed their vote from “yea” to “nay.”

Ms. CASTOR of Florida and Messrs. ACKERMAN and ROSKAM changed their vote from “nay” to “yea.”

So the motion to concur was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. DOLD. Mr. Speaker, on rollcall No. 745 I was unavoidably detained. Had I been present, I would have voted “yea.”

Mr. ROGERS of Alabama. Mr. Speaker, on rollcall No. 745 I was entering the House Chamber when the vote was closed. Had I been able to cast my vote it would have been a “yea” vote.

Mr. HINOJOSA. Mr. Speaker, on rollcall No. 745, had I been present, I would have voted “yea.”

Ms. SLAUGHTER. Mr. Speaker, on rollcall No. 745, had I been present, I would have voted “yea.”

Mr. ADERHOLT. Mr. Speaker, earlier today during rollcall vote No. 745, the Motion to Concur in the Senate Amendment to H.R. 2608—Continuing Appropriations Act, 2012, I was inadvertently recorded as a “nay” when I intended to vote “yea.”

Mr. LARSON of Connecticut. Mr. Speaker, I was unfortunately unable to cast a vote on rollcall 745 on the afternoon of Tuesday, October 4, 2011. Had I been able to vote on H.R. 2608, I would have voted “yea” on its passage.

# PROVIDING FOR CONSIDERATION OF H.R. 2681, CEMENT SECTOR REGULATORY RELIEF ACT OF 2011; AND PROVIDING FOR CONSIDERATION OF H.R. 2250, EPA REGULATORY RELIEF ACT OF 2011

The SPEAKER pro tempore. The unfinished business is the vote on adoption of the resolution (H. Res. 419) providing for consideration of the bill (H.R. 2681) to provide additional time for the Administrator of the Environmental Protection Agency to issue achievable standards for cement manufacturing facilities, and for other purposes, and providing for consideration of the bill (H.R. 2250) to provide additional time for the Administrator of the Environmental Protection Agency to issue achievable standards for industrial, commercial, and institutional boilers, process heaters, and incinerators, and for other purposes, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the resolution.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 257, nays 165, not voting 11, as follows:

[Roll No. 746]

## YEAS—257

Adams	Chabot	Gingrey (GA)
Aderholt	Chaffetz	Gohmert
Akin	Coble	Goodlatte
Alexander	Coffman (CO)	Gosar
Altmire	Cole	Gowdy
Amash	Conaway	Granger
Amodei	Costa	Graves (GA)
Austria	Cravaack	Graves (MO)
Bachus	Crawford	Green, Gene
Barletta	Crenshaw	Griffin (AR)
Bartlett	Critz	Griffith (VA)
Barton (TX)	Culberson	Grimm
Bass (NH)	Davis (KY)	Guinta
Benish	Denham	Guthrie
Berg	Dent	Hall
Biggert	DesJarlais	Hanna
Bilbray	Diaz-Balart	Harper
Bilirakis	Dold	Harris
Bishop (GA)	Donnelly (IN)	Hartzler
Bishop (UT)	Dreier	Hastings (WA)
Black	Duffy	Hayworth
Blackburn	Duncan (SC)	Heck
Bonner	Duncan (TN)	Hensarling
Bono Mack	Ellmers	Herge
Boren	Emerson	Herrera Beutler
Boustany	Farenthold	Holden
Brady (TX)	Fincher	Huelskamp
Brooks	Fitzpatrick	Huizenga (MI)
Broun (GA)	Flake	Hultgren
Buchanan	Fleischmann	Hunter
Bucshon	Fleming	Hurt
Buerkle	Flores	Issa
Burgess	Forbes	Jenkins
Burton (IN)	Fortenberry	Johnson (IL)
Calvert	Fox	Johnson (OH)
Camp	Franks (AZ)	Johnson, Sam
Campbell	Frelinghuysen	Jones
Canseco	Gallegly	Jordan
Cantor	Gardner	Kelly
Capito	Garrett	King (IA)
Carney	Gerlach	King (NY)
Carter	Gibbs	Kinzing (IL)
Cassidy	Gibson	Kissell

Kline	Nunnelee	Schock
Labrador	Olson	Schrader
Lamborn	Palazzo	Schweikert
Lance	Paul	Scott (SC)
Landry	Paulsen	Scott, Austin
Lankford	Pearce	Sensenbrenner
Latham	Pence	Sessions
LaTourette	Perlmutter	Shimkus
Latta	Peterson	Shuster
Lewis (CA)	Petri	Simpson
Lewis (GA)	Pitts	Smith (NE)
LoBiondo	Platts	Smith (NJ)
Long	Poe (TX)	Smith (TX)
Lucas	Pompeo	Southerland
Luetkemeyer	Posey	Stearns
Lungren, Daniel E.	Price (GA)	Stivers
Mack	Quayle	Stutzman
Manzullo	Rahall	Sullivan
Marchant	Reed	Terry
Marino	Rehberg	Thompson (PA)
Matheson	Reichert	Thornberry
McCarthy (CA)	Renacci	Tiberi
McCaul	Ribble	Tipton
McClintock	Richardson	Turner (NY)
McCotter	Rigell	Turner (OH)
McHenry	Rivera	Upton
McKeon	Roby	Walberg
McKinley	Roe (TN)	Walden
McMorris	Rogers (AL)	Walsh (IL)
Rodgers	Rogers (KY)	Webster
Meehan	Rogers (MI)	West
Mica	Rohrabacher	Westmoreland
Michaud	Rokita	Whitfield
Miller (FL)	Rooney	Wilson (SC)
Miller (MI)	Ros-Lehtinen	Wittman
Miller, Gary	Roskam	Wolf
Mulvaney	Ross (AR)	Womack
Murphy (PA)	Ross (FL)	Woodall
Myrick	Royce	Yoder
Neugebauer	Runyan	Young (AK)
Noem	Ryan (WI)	Young (FL)
Nugent	Scalise	Young (IN)
Nunes	Schilling	
	Schmidt	

## NAYS—165

Ackerman	Frank (MA)	Moore
Baca	Fudge	Moran
Baldwin	Garamendi	Murphy (CT)
Barrow	Gonzalez	Nadler
Becerra	Green, Al	Napolitano
Berkley	Grijalva	Neal
Berman	Gutierrez	Olver
Bishop (NY)	Hahn	Owens
Blumenauer	Hanabusa	Pallone
Boswell	Hastings (FL)	Pascarell
Brady (PA)	Heinrich	Pastor (AZ)
Bralley (IA)	Higgins	Payne
Brown (FL)	Himes	Pelosi
Butterfield	Hinchey	Peters
Capps	Hinojosa	Pingree (ME)
Capuano	Hirono	Price (NC)
Cardoza	Hochul	Quigley
Carnahan	Holt	Rangel
Carson (IN)	Honda	Reyes
Castor (FL)	Hoyer	Richmond
Chandler	Inslee	Rothman (NJ)
Chu	Israel	Roybal-Allard
Cicilline	Jackson (IL)	Ruppersberger
Clarke (MI)	Jackson Lee	Rush
Clarke (NY)	(TX)	Ryan (OH)
Clay	Johnson (GA)	Sánchez, Linda T.
Cleaver	Kaptur	Sanchez, Loretta
Clyburn	Keating	Sarbanes
Cohen	Kildee	Schakowsky
Connolly (VA)	Kind	Schiff
Conyers	Kucinich	Schwartz
Cooper	Langevin	Scott (VA)
Courtney	Larsen (WA)	Scott, David
Crowley	Larson (CT)	Serrano
Cuellar	Lee (CA)	Sewell
Cummings	Levin	Sherman
Davis (CA)	Lipinski	Shuler
Davis (IL)	Loeb sack	Sires
DeFazio	Lofgren, Zoe	Slaughter
DeGette	Lowey	Smith (WA)
DeLauro	Luján	Speier
Deutch	Maloney	Stark
Dicks	Markey	Sutton
Dingell	Matsui	Thompson (CA)
Doggett	McCarthy (NY)	Thompson (MS)
Doyle	McCollum	
Edwards	McDermott	
Ellison	McGovern	
Engel	McIntyre	
Eshoo	McNerney	
Farr	Meeks	
Fattah	Miller (NC)	
Filner	Miller, George	



Walz (MN)	Waters	Welch
Wasserman	Watt	Woolsey
Schultz	Waxman	Yarmuth

## NOT VOTING—11

Andrews	Giffords	Lynch
Bachmann	Johnson, E. B.	Polis
Bass (CA)	Kingston	Wilson (FL)
Costello	Lummis	

□ 1417

Ms. LORETTA SANCHEZ of California changed her vote from “yea” to “nay.”

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

### COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,  
HOUSE OF REPRESENTATIVES,  
Washington, DC, October 4, 2011.

Hon. JOHN A. BOEHNER,  
The Speaker, U.S. Capitol,  
Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on October 4, 2011 at 11:50 a.m.:

That the Senate passed without amendment H. Con. Res. 83.

With best wishes I am,

Sincerely,

KAREN L. HAAS.

### RESIGNATION AS MEMBER OF COMMITTEE ON HOMELAND SECURITY

The SPEAKER pro tempore laid before the House the following resignation as a member of the Committee on Homeland Security:

CONGRESS OF THE UNITED STATES,  
HOUSE OF REPRESENTATIVES.

Hon. JOHN BOEHNER,  
Speaker of the House of Representatives.

MR. SPEAKER: To provide a committee assignment opening for newly elected Congressman Bob Turner, I hereby resign my assignment on the Homeland Security Committee.

Sincerely,

MO BROOKS,  
Member of Congress.

The SPEAKER pro tempore. Without objection, the resignation is accepted. There was no objection.

### ELECTING CERTAIN MEMBERS TO CERTAIN STANDING COMMITTEES OF THE HOUSE OF REPRESENTATIVES

Mr. BRADY of Texas. Mr. Speaker, by direction of the House Republican Conference, I send to the desk a privileged resolution and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 420

Resolved, That the following named Members be, and are hereby, elected to the fol-

lowing standing committees of the House of Representatives:

COMMITTEE ON FOREIGN AFFAIRS—Mr. Turner of New York.

COMMITTEE ON HOMELAND SECURITY—Mr. Turner of New York.

COMMITTEE ON THE JUDICIARY—Mr. Amodei.

COMMITTEE ON VETERANS' AFFAIRS—Mr. Amodei and Mr. Turner of New York.

The resolution was agreed to.

A motion to reconsider was laid on the table.

□ 1420

### JOBS, JOBS, JOBS

(Ms. BERKLEY asked and was given permission to address the House for 1 minute.)

Ms. BERKLEY. Mr. Speaker, I rise today to talk about an issue that should be the top priority for every Member of the House and Senate: jobs, jobs, jobs.

Unfortunately, too many of my colleagues here in Washington just don't get it. Yesterday, the Senate courageously voted to stand up to the Chinese Government on behalf of the working families in Nevada and across the country. The Senate said no to China's unfair currency manipulation that has cost our Nation nearly 3 million jobs in the last 10 years, including over 14,000 in Nevada. However, 19 U.S. Senators voted to protect China's interests instead of the interests of the workers of the State of Nevada.

I have one thing to say to those Senators: Shame on you. Now is not the time to cower to the bullying tactics of the Chinese. We need leadership. We need to be creating jobs here in the United States of America, not in China.

From voting to kill Medicare by turning it over to private insurance companies to bowing to Chinese bullying tactics, the American people should start asking themselves: When will Washington Republicans start making job creation their top priority?

I know it is mine.

### ISSUES FACING AMERICANS

The SPEAKER pro tempore (Mr. SOUTHERLAND). Under the Speaker's announced policy of January 5, 2011, the gentlewoman from Hawaii (Ms. HANABUSA) is recognized for 60 minutes as the designee of the minority leader.

Ms. HANABUSA. Mr. Speaker, there are now about 11 of us who are considered freshmen to the Democratic side, and we are here today to share with everyone what we have learned. We hope, because we are freshmen, that we bring a different perspective on matters, that everyone might be able to see it from our eyes. And for that reason, we would like to share what we've learned in this last district work week and talking to our constituents about jobs, small business problems, and issues that face all of us.

With that, Mr. Speaker, I would like to begin first by asking the gentle-

woman from District 36 of California to share with us what she has heard. And I would like to say that the gentlewoman from District 36 of California is the most recent addition to what was originally the noble nine, but we are now the exquisite 11.

I yield to the gentlewoman.

Ms. HAHN. Mr. Speaker, I rise today to bring a perspective as a brand new Member of Congress. Last week while I was in my district, I met with over 50 businesses who wanted to talk to me about what they felt Congress was either doing or not doing. I met with them not to talk to them, but I met with them to listen to them. And I met with very small businesses, some that had two employees, to some other businesses who were considered small but had many more employees.

What they told me was this: These are tough times. They're having a tough time with our economy, but they still want to grow and they still want to hire people. We know that our small businesses in this country are the backbone of this economy. We know that they are the ones that will be hiring people. They are the ones that will be getting this economy back up and running. They're going to be part of this great recovery, but they need help from the Federal Government.

I asked them: What is it that you need? What is it that will keep you in business? What is it that helps you to grow and to hire people?

There was a common theme, and they told me it was their access to capital which was part of the problem they have. They believed that our small business loans took a small mountain of paperwork to apply for. They felt like the requirements for these loans were so burdensome that they were not able to access capital. And they said, if they could access this capital, they would grow. They would hire. And even in tough times, this is the American Dream. This is the American spirit. They wondered, frankly, why Congress had worked so hard to bail out the billionaires on Wall Street; and they wondered what was Congress doing to bail out the man and woman on Main Street that works so hard every day.

So I told them I wanted to stay in touch with them and I would urge my colleagues to do something else that they wanted, and that was to pass the President's Jobs Act. They love parts of this Jobs Act. They loved the fact that there is a tax credit there if they hired someone who had been unemployed for 6 months or longer.

They loved the idea that in this jobs bill there was a tax credit for hiring our returning veterans. They liked the fact that we even went further and said there would be a larger, I think it is a \$9,000 tax credit if you hire a veteran who's been wounded, because we know when our veterans come home that they have a very difficult time reentering society. They have a difficult time, frankly, reentering their families. They have a hard time relating

again to their husbands, to their wives, to their communities. This jobs bill actually speaks to the plight of the veteran. The woman veteran, by the way, has one of the highest unemployment rates in the country.

So colleagues, I think we should continue to fight for small businesses in this country. Let's give them what they need. Let's remove the barriers that are keeping them from growing and keeping them from hiring and keeping them from being the catalyst to getting this economy back on track.

Ms. HANABUSA. I thank the gentleman very much.

Mr. Speaker, my colleagues will be coming in as they return from their respective offices, but I'd like to share part of what I found when I was in district this past week.

You know, I think the problem we all have is we are all creatures of the media, so we tend to think in 30-second sound bites. And I'm sure we all got trained by the best of them: When you run for office, keep it short, and you tell everybody what they want to hear so they can pick it up on the 6 o'clock news.

You know, Mr. Speaker, when we do that, we fail to recognize that people are not covered by one broad brush. The gentlewoman from California, District 36, said it best when she said when she talked to small business, they want certain things because small businesses are not all alike. But there are things that they do want. They want, for example, the finances. What about Main Street? What about the tax credits? How will that affect their respective businesses? That's what we all have to step back and think about. That's why this time when we can go on and not have to worry about whether there is a camera there to get a 30-second sound bite gives us the opportunity to tell our constituents that we hear them and we know what they're saying.

When I was in district, I met with one type of small business, and they were the construction industry. Quite honestly, when you talk about the construction industry, even that we just tend to say we need to rebuild construction. But construction isn't as simple as just simply saying they all build roads or they all build airports. That's not true.

When we do construction, we talk about construction, you have people, for example, who specialize in homes, and that's a definite kind of need. Their needs, for example, are regarding finances. Their need is how healthy is FHA going to be? What are you going to do with Fannie Mae and Freddie Mac? What are you going to do to help foreclosures? They have very specific concerns. Where we may think what they're just concerned about is the ability to be able to build again, that's not it. They understand that in order for us to have a healthy economy, in order for us to have the environment in which they can then create the jobs and they can then be able to build

those homes and people who have jobs can buy those homes, that we need to look at the total picture. And that's what we're referring to.

So when we talk to our constituents and we report back to other Members of Congress, we have to be very clear as to what we are hearing.

□ 1430

They don't talk to us in general sound bites to get on the 6 o'clock news. What they talk to us about is to say, you know, in our specific industry, we have this problem, and what can you do to help us on this particular problem? They want to know, even to the point of saying, will, for example, credit unions be able to issue different kinds of loans? We think of banks, we think of loans, but how many of us have stopped to listen to our constituencies and said, hey, why are you interested in what credit unions are allowed to do? Because to them, especially those who are in smaller businesses, that is their lifeline. So they want to be sure that they can affect them and they can help them. So they want to know what we are doing in that process.

And so when we talk to our constituencies and we listen to them, we must understand that they are not simply ones that we do with a broad brush. So in the construction group that I spoke to, many of them, of course, specialized in home building, and they were, of course, concerned about the whole gamut, the ability of people to buy a home, the ability of people to finance that home, the ability of people to then say, hey, we are going to have the jobs to qualify for the respective mortgages. Because very few people are out there who can actually buy a home for cash. Anymore than we, as government, can buy things for cash. People are borrowing. And in order for them to borrow, we must have a healthy financial institution that can lend that money out.

So, Mr. Speaker, let's also look at where we are in terms of the constituencies. Like I said, small business isn't just small business. You can't just say "small business" and cover everyone. You need to understand what kind of small business.

I sit on a panel that was created in HASC, and it's on acquisitions, and the focus there is small business. I am very honored to be part of that, and I am very proud of the fact that we, as a House, are looking at how, when military spending gets cut, we are able to preserve the small businesses. And the question was, how do we ensure them into the future? And we also have to recognize that the definition of small business differs for many of us. It's like a company that grosses no more than \$7 million or \$8 million a year. To some they probably hear that and say, wow, that's not a small business, that's a big business. But every segment of what creates businesses in our economy we have got to look at very seriously and

understand what their respective needs are, because if we fail to do that, if we fail to look at that, we are not going to be able to address this crisis.

So as tempting as it is for all of us to ignore, ignore what it is that we are looking to or speaking to, and when we vote on these bills that are before us, we have to understand that simply because one segment of a business community says it's good, it doesn't mean that it's good for everyone. And that is what makes the challenge of what we respectively do.

So back to construction. We said there are those who build homes, for example. There are also those who build commercial buildings, and they have a different challenge, because their financing is also tied to how healthy the economy is. It's also tied to the financial institutions and whether the financial institutions are out there lending the money, and that's all going to be tied to the whole issue of whether or not the economy is healthy. Many of those who build "commercial buildings," for example, they too are small businesses.

In addition to that, you have those major construction companies that do major infrastructure. And if you're going to talk about being able to get people back to work in large numbers, of course, of course, we need to talk about that level of construction. But what does that level of construction normally need? To do large infrastructure projects, it needs government. It is government that is able to build or contribute to a State's ability to build roads, to build airport modernization, to improve harbors or to basically look at highways and what we're going to do. You need government's role in that. And that is what the President has said, and that is what the President has emphasized: That he, in fact, is looking to infrastructure to be built and to say that will put people back to work.

In the long run, we as a country benefit the most from that. And you may say, well, what does that have to do with small business? It has a lot to do with small business because no one company can do it all. When you look at how construction, for example, is done, you have a general contractor, who usually serves in an administrative capacity, but all the respective work that may go into building whatever it may be—a freeway, a huge hotel or homes, the other company components of it are subcontractors who are small businesses, and each one of them hires a specific number of people, whether it be two or three or 20 or 30. If you have a huge port of some sort, they are there. And we need to recognize that, and we need to understand that it is through them, through the hiring of the respective subcontractors that are small businesses, that we are then able to move this economy along.

So it's like a situation of, we start on the top and to a large extent, government has that role, and it filters down

to the bottom line, which is to get people back to work. So when we start to talk about the Jobs Act, or how we're going to move our economy along and what are we going to do, we need to think about that. We need to think about how do we move forward.

It is on that note that I see my colleague from Detroit whom I would like to call upon, because he has a bill that I want him to speak about because he knows what it is going to take to get his people in Detroit back to work. And let's not forget, we are a great country built on manufacturing. That is what made us big. And do you know, it is also the city of Detroit that I believe really epitomizes what manufacturing is about.

So on that note, I would like to yield to my colleague, the Congressman from Detroit (Mr. CLARKE), to talk to us and share what he has learned from his district.

Mr. CLARKE of Michigan. Thank you. And I just want to thank the gentlewoman from Hawaii (Ms. HANABUSA) for her commitment to growing our economy not only here in this country but we can help the world by us in the United States manufacturing the best products and creating the best technologies.

I have introduced a bill called the Detroit Jobs Trust Fund. It will create jobs in Detroit. And Detroiters really need it because we've got the highest unemployment rate. We've lost more jobs than any metropolitan region in this country during the last 10 years. But as Ms. HANABUSA pointed out, investing in Detroit not only creates jobs for Detroiters, it will put Americans throughout this country back to work. And that's because in spite of Detroit's troubling economic situation and high unemployment rate, we still have the manufacturing know-how and we have the well trained workforce to put Americans back to work, especially in the area of advanced manufacturing.

So when Detroit makes its streets safer by hiring more police officers, more firefighters, and properly deploying them, when we improve and reform our public education system by opening more high quality schools, hiring more teachers who can go do the job, and when we reduce the cost of living and doing business in Detroit by cutting some very high municipal taxes, those factors—safe streets, good schools, and low taxes—that will attract investment back to the city.

If you take a look at the city of Detroit, you will see that we have a lot of vacant property. Well, that's land ready for a big plant to be located there. And by capturing the existing federal tax revenue that Detroit individuals and Detroit businesses already pay and having that money placed in a trust fund administered by the Department of the Treasury to be invested in Detroit to hire those police officers, hire and train those teachers and to cut taxes, we can bring employers back to Detroit to hire Detroiters. But also,

we can resurrect our manufacturing powerhouse in Detroit and create those jobs throughout the country the same way Detroit did back in World War II.

□ 1440

Detroiters built the arsenal of democracy that helped win World War II and saved this country and this world from fascism. It was metro Detroiters' manufacturing know-how that built some of the best cars in the world and that created millions of jobs worldwide, and especially in this country.

So in the same way, by investing in Detroit, in the Detroit workforce, in the Detroit winning spirit—exemplified by the Detroit Tigers and the Detroit Lions—we can put our people back to work. We can make this country even stronger in advanced manufacturing and help uplift the quality of life for everyone around the world.

I appreciate you giving me this time, the gentlewoman from Hawaii (Ms. HANABUSA), for talking about an important issue, putting Detroiters back to work.

If I can just say as a final note—I mentioned this last night—getting a job is important. Many years ago, in this last big recession we had in the 1980s, I was without a job and I lost hope. And that can be devastating, not only devastating economically and financially to people, but it can be devastating to the spirit of a human being. So a job gives somebody a paycheck, but it gives a person self-worth and the dignity and the uplifting spirit that they need to keep marching on. And that's what this country is all about.

You know, we have to deal with obstacles; but as Americans, we can turn those obstacles into opportunities. That's why immigrants are so successful when they come here to this country because they see this country for all its richness, for all its opportunity, and they seize it. I'm just asking for that same opportunity to be available for Detroiters, to put our country back to work.

Ms. HANABUSA. Before you leave, I just wanted to extend this discussion because I think that we tend to think about things like, when we talk about Detroit and we think about manufacturing, which of course is what we are all focusing on, we tend to forget how that one industry then multiplies out and how it creates other jobs. The Congressman from Detroit is absolutely correct, that is what made our country great.

And let me share with you, I grew up working in my family's service station, which later became a situation where we sold auto parts. And one of the things that I will never, never forget is the fact that, when you think about the ability to build a car, many of those parts are not manufactured in Detroit. They come from other places in the United States, and they all are put together to make the car. But the subsidiary industry is what my family was in, which is, with wear and tear, it breaks down.

So you have a whole secondary market of used auto parts being remanufactured or original-equipment auto parts are being remanufactured that then creates yet another industry. And when we, unfortunately, get careless and sometimes, through no fault of our own, the flagpole or the streetlight jumps in front of our car and we hit it, there is that whole other industry of repair.

So with the good Congressman from Detroit, I want to elaborate that just investing in Detroit isn't only for Detroit, but I'm sure within Michigan and within all the neighboring States we probably have great examples of how small industries are going to just start to kick-start.

Mr. CLARKE of Michigan. You are absolutely right, creating those jobs in Detroit will have a ripple effect throughout this country.

And I'm glad you mentioned about remanufacturing. That's the best way to have Make It in America jobs. Actually, I was able to visit a remanufacturing plant right outside the city of Detroit 2 weeks ago. It's fascinating what they do. These are not used units. These are totally remade. And, actually, these are better units and pieces of equipment than if you actually bought something new. So instead of U.S. manufacturers buying new products overseas that are made overseas, they can buy great remanufactured units right here at home, putting Americans back to work. So you're absolutely right about that.

Ms. HANABUSA. That is why I am a proud cosponsor of your bill because I think that you've hit it, that we start with someplace like Detroit where people clearly know that work ethic—that work ethic started in places like Detroit—and then from there we're going to build and we're going to rebuild this country because it has such a great impact all the way through. So thank you very much.

Mr. CLARKE of Michigan. I really appreciate it. And thank you for supporting Detroit and supporting Americans going back to work. And we're going to make it in America.

Ms. HANABUSA. We are going to make it in America.

Mr. Speaker, I also note that we have a person who probably all the small business guys would love to get their hands on. And I know for my constituents, they would love to have the ability to talk to someone from the great State of Delaware because, of course, when we think of Delaware, we think of financial institutions, we think about how they control our money. But he also is a proud member of the original Noble Nine. And I'm asking him to speak to us and share with us what he knows from his great State. So the Congressman from Delaware—who I would like to add is the only person who, while there may be others, he is the only person dear to me who actually has fewer people in his congressional delegation than me.

Mr. CARNEY. I thank my colleague from Hawaii, one of the other small States. I know you're a delegation of two; we're a delegation of one. I represent the whole State of Delaware. I tell my constituents that we have two Senators and one Member of Congress. That means that I have to work twice as hard, Mr. Speaker, to serve the people in my State.

I'm pleased to join my freshman colleagues on the Democratic side of the aisle this afternoon for our discussion about small business and job creation, and I'd like to talk for a little bit about the situation in my State, the State of Delaware.

All of us are coming off a district work week, where we spent our time, I'm sure, meeting with constituents, talking to business owners, small business owners, large business owners, and working our districts. And I did the same thing in Delaware, not too far from the Capitol here. I would like to highlight two meetings that I had in particular. One was a job fair that we held in Georgetown, Delaware, which is the county seat in the lower part of our State. Many people from the Washington, D.C. area know Georgetown as they pass through it to go to our lovely beaches during the summer time to enjoy time with their family at the beach.

This particular day we sponsored a job fair in Georgetown, along with Senator CARPER and Senator COONS. This was a program that Senator COONS championed in Wilmington initially, and we've moved it now to the other two counties of our State and had a job fair in Dover and a job fair in Georgetown this past week, really helping to connect those folks in our State who are unemployed or underemployed, people looking to move up with employers who are looking to hire. And even though we have over 9 percent unemployment nationally and a little bit over 8 percent unemployment in our State of Delaware, there are still a lot of jobs that go wanting, mostly because the employers are not able to find people that have the required skills for that particular enterprise.

So the good news about this job fair is that we had 55 employers there, many of whom were prepared to hire people and offer them jobs, certainly take resumes and interview people or set up interviews. But we had over 8,000 people who came seeking employment or seeking an upgrade in their current job situation. And that's a lot of people in the small State of Delaware in the least populous area of our State. So it tells us the very serious problem that we have with the lack of jobs and the lack of skills that people might have to do the jobs that are out there.

Later on in the week, I met at PATS Aircraft, which is an airplane manufacturing facility at Georgetown Airport. They've been hiring airplane mechanics over the last several years. In fact, when I was lieutenant governor, one of the biggest problems that they had was

finding workers that had the requisite skills to do the jobs that they had. Now, they have since lost some of that work; but they were looking ahead and anticipating, with some assistance from the FAA, to extend the runway there at Georgetown Airport—going back to your point about the need for infrastructure to stir business development, business growth and job creation. If we were able to extend the runway there at the airport, PATS would be able to hire more mechanics.

But there are a lot of people out there, while they might want those jobs, would not have the skills to do the work. And so Delaware Technical and Community College, with the help of the State government, has developed a training program specifically to prepare workers for that facility and other airplane manufacturing facilities in our region.

□ 1450

We have a Dassault Falcon plant, which does airplane maintenance and mechanics at the New Castle County Airport, as well as a large Boeing facility over the line in southeastern Pennsylvania. So these are jobs. They are highly skilled jobs. They are jobs that require mechanical ability. They are jobs that require training. And there are certainly lots of folks out there that are looking for employment, and these are the kinds of jobs that we need to prepare people for.

One of the press conferences we had this week was at Delaware Technical & Community College where we highlighted a Federal grant that was going to Delaware Tech to create training programs for businesses, basically to enable people to upgrade their skills to take the jobs that are available. One of the problems, obviously, that we have in our country—and the President's employment council has identified this problem—is that we have jobs that are out there, but we don't have people with the right kinds of skills for those jobs. So we need to have programs—and this is where the public sector comes into play, particularly technical and community colleges—to provide that training and those skills for those folks.

Later on in the week, I met and spoke with the Georgetown Chamber of Commerce; and the Georgetown Chamber, of course, is comprised mostly of very small businesses. They had a really simple message for me, as a Member of Congress, and that is that they see their businesses struggling because of a lack of confidence among consumers. And when you think about the U.S. economy at large, about 70 percent of economic activity is consumer driven. So when consumers don't have confidence either in their employment situation in the present—they may not be employed—or their future employment situation, they're not willing to spend money on small business services or products in the community and, therefore, these small businesses suffer.

So their message to me was really a simple one, twofold. One is: Do no harm in Washington, DC. Do the work of the people, solve the problems that we have, and inspire confidence. And I think one of the ways that we can do that—there's a lot of discussion. Most of the discussion that I hear from my constituents in the State of Delaware—and we've had town hall meetings. We're going to have a telephone town hall meeting tonight. I'm sure I will hear the same thing: Enough with the partisan bickering back and forth across the aisle. Let's focus on the challenges that we face—creating jobs and strengthening businesses, creating a business climate in the short term where businesses can thrive, where consumers can have confidence so they'll be willing to spend on small businesses and other procurement. And in the long term, address our deficits, our debt, and our budget imbalances.

If we're able to do that, we'll at least provide some confidence to the people that we represent that those that they send from Delaware, the Members of the House of Representatives here and our Senators across the Capitol, are doing their part, are working together, are focused on not the politics of where we all stand in relation to the next election but on solving the problems that face our country.

I think the vote that we have coming at the end of this year, which will be the result of the work of the Committee on the Budget, will be maybe one of the most important votes in a number of years. I have heard our majority whip STENY HOYER refer to it as the most important vote here in the last 30 years. And I think that's right in many respects, because people out there, my constituents, your constituents, Ms. HANABUSA, in Hawaii—I see our colleague from Rhode Island (Mr. CICILLINE) has joined us as well—our constituents are asking us, begging us to do our work to inspire confidence and to do the right thing for the country. And that involves giving people the skills they need to be able to do the jobs that are available out there, creating confidence so businesses can make investments, so people will be willing to spend money and consume so our economy will get back on its feet again. In the long term, we'll set up a fiscal situation with our government so that the economy can be strong and create jobs for my children and their children.

So I want to thank my colleague from Hawaii for leading our dialogue this afternoon on job creation, on small business development across our country in our respective districts, and I look forward to sitting here with you for a few more minutes and engaging in this dialogue. I just wanted to give a few words about how the people in Delaware are responding to the work that we are doing or are not doing here in the Congress.

Ms. HANABUSA. Thank you. And before the Congressman from Delaware

sits, I just wanted to explore one thing, because when I was in district, one of the comments I got was about the dysfunctional Congress. But one of the things that I asked them to really sit back and look at—and this is really our friends in the media, and they have to do something about the way they report. I told them that when they ask about our votes, they should really look at it seriously and say, okay, how many votes are really that controversial? How many times are we just adversaries, and how many times is it that there are just a handful of votes, relative to how many we pass in the House, that rise to the level that people would say that we are just cutting down partisan lines? Because I don't really think that that's the case. It's a minority of votes, but it's that which is played up. And when I tell my constituents that, they're sort of amazed. They think every single bill that we practically pass up here is controversial.

Did you get that sense from talking to your constituents?

Mr. CARNEY. Oh, I absolutely got that sense. And people that I talked to—Democrats, Republicans, it really didn't matter what party affiliation they had—were pretty fed up with what they had seen in the whole debt ceiling debacle, not so much the debate around it but the fact that we let it go to the brink and that we seem to want to, with every continuing resolution, every important vote, take it to the brink before coming together, however that might happen, whether it's one side of the aisle getting enough votes or whether it's coming across the aisle and having a bipartisan approach.

Frankly, the people in Delaware are more focused on having us address problems and solve those problems, and they're not really concerned at all, in fact, with the politics of it. What they tell me is: Cut it out. Cut it out. And they ask me: Is it so bad? And I tell them that I have been reading a lot of Civil War history of late.

I read a book about Abraham Lincoln about a year ago and, after that, started looking for other books to read. Of course just after we were sworn in, one of our leaders, Congressman LARSON from Connecticut, gave us a history of the House of Representatives. And because I had been doing so much reading about the Civil War, I decided to go first to those chapters just before the Civil War and during the Civil War and afterwards and to read about the history of the House of Representatives.

And I want to tell you, it might be hard for some of our constituents in Hawaii and Rhode Island and Delaware to believe it, but things were a lot worse during that period of time. One of the stories was related in the book that one Member almost caned another Member to death on the floor of the House. I tell my constituents, it's not nearly that bad. In fact, we have a lot of friends—frankly, I have a lot of friends, and I know you do—across the

aisle. I think the real problem is we have pretty significant differences of opinion on issues, and that's understandable. That's what makes our country so great, frankly, that we can come here. We can come from our respective areas of the country with different points of view.

As I look around this Chamber, you see America in this Chamber through the Representatives that are sent here by the people. But we need to understand that this country is greater than all the rest of us as individuals, and we need to live up to the greatness of our country by recognizing that we have got to put our differences behind us at the end of the day so that we can come to some resolution for the good of the people at large.

Ms. HANABUSA. That's a great message. The whole is greater than the parts. Thank you.

With that, I would also like to call on another colleague of ours, the Congressman from Rhode Island, who is actually my cosponsor of this time.

□ 1500

Mr. CICILLINE. I thank the gentlelady for convening this conversation and thank my friend from Delaware for his thoughtful remarks.

I think that what the American people want from us, and I think as freshmen, we were sent here to do our best to solve the problems, to meet the big challenges of our time. While that has been our responsibility, I think what the American people have seen, unfortunately, is really a lack of action by the Congress of the United States on the most urgent issue of our time, and that is jobs and getting this economy back on track.

We have some proposals before the Congress that are sound and that will really make important progress in our effort to get this economy back on track and create jobs. What I found when I was home in Rhode Island in listening to my constituents, I'm just reminded of how devastating this recession has been for American families and American businesses and how difficult it is right now for people who are out of work trying to find work, or people who are trying to hold onto a home and are facing foreclosure because of their inability to make ends meet, or people that are running a small business and are just trying to stay afloat and keep their business going.

I think our challenge is to first of all never lose sight of how devastating this recession has been for American families, American businesses; and then focus on what we can do, what are the practical solutions that we can find to meet this challenge. I think what people want is they want to see Congress, Republicans and Democrats, working together to find common ground, to find real solutions to these challenges.

I spent time in my district at a couple of things that I thought were particularly exciting examples of what

small businesses can do. I welcomed the SBA regional administrator, Jeanne Hulit, to Rhode Island and we visited a company called Wide World of Indoor Sports. Stephen Sangermano and Dan Fawcett are two Rhode Island entrepreneurs that brought this small business together and created jobs. They used the Small Business Administration loan program to do it, to start their business; and it allowed them to hire 80 full- and part-time employees, and they're looking at the opportunity to create another facility, another business in another part of the State which is likely to have the same number of employees.

It's really about how do we provide the needed capital to small businesses, to start-up companies so they can grow their businesses. At another event in my district, we announced along with our Governor and our entire congressional delegation—Senator WHITEHOUSE, Senator REED, Congressman LANGEVIN, and I—the launch of a new \$13 million loan fund, which is Federal funds again, to be administered by the Rhode Island Economic Development Corporation to assist an organization called Betaspring and the Slater Fund. Both of these organizations are really designed to help start-up entrepreneurs access the capital they need to start a new business and to grow jobs.

I think one of the things I've heard repeatedly is that small businesses need access to capital, they need an environment in which they can start and grow their business, but the other thing that small businesses need that I hear about all the time is they need customers to buy the goods and services they produce. I think one of the things that is really important about the President's American Jobs Act is it really focuses on tax cuts for small businesses, tax credits for small businesses, particular attention to our returning veterans, our heroes, those who have been unemployed for a very long time, and our young people; but at the same time it puts money in the pockets of middle class families so that they can increase their demand for goods and services that ultimately will help small businesses grow and create jobs.

I think this is one of the important lessons that we should have learned over the last decade, that it's not enough, that it's unwise fiscal policy to simply ensure that people at the very top, the millionaires and billionaires, get to hold onto more of their money at the expense of the middle class; because in order to have a thriving, prosperous economy, you not only need entrepreneurs and innovators, you need hardworking middle class families who have the ability to buy the goods and services that businesses produce. I think that's what we need to do. We need to be looking at policies that will do both things, that provide access to capital, that will create an environment for small businesses to grow and at the same time give hardworking

middle class families the ability to buy more goods and services.

What's exciting about the American Jobs Act is it does all of those things: it provides tax cuts to help American small businesses hire and grow. It puts workers back on the job by rebuilding and modernizing America's infrastructure. It creates pathways back to work for Americans looking for jobs to be sure that they have the skills necessary for the jobs of the 21st century. It puts more money in the pockets of every working American family, every worker, that again will help to stimulate growth of our small businesses.

I think the President has really identified a very serious plan to put Americans back to work; and I really hope, as I know the gentlelady from Hawaii hopes, that our colleagues on the other side of the aisle will be part of this conversation. If they have different ideas, better ideas as to ways we can create jobs and get the American people back to work, they ought to be part of the discussion.

But I know one thing for sure: we cannot simply do nothing for the next 14 months. The American people expect us to take action, to not only talk about jobs but to do things that are going to create jobs and create conditions for job growth, private sector job growth, and to be able to demonstrate that what we're doing, the policies we're enacting, are helping to get our economy back on track and to stimulate jobs.

The other point I want to mention, I know the gentlelady from Hawaii has been a big supporter of this, and that is the whole Make It in America agenda. I have the privilege of visiting manufacturers in my district. Rhode Island has a very rich history of manufacturing. I think everyone recognizes that if we're going to continue to be a leading economic power in the world, we have got to make things again in this country. While we've lost some manufacturing, the low-end manufacturing that may be difficult to get back, there's a lot of new manufacturing, more highly skilled manufacturing that's growing in our country. What we need to do is to have policies put in place that will support American manufacturers, American workers here so that we can compete in this global economy.

We have a very ambitious, comprehensive agenda, making it in America, that begins with the development of a national manufacturing strategy so we can have benchmarks and compete successfully with other countries that are engaged in manufacturing; creating tax policies that support investments in manufacturing and job growth. One of the pieces of legislation will create what's equivalent to an IRA for manufacturers to reinvest in capital equipment so they can grow jobs; my Make It in America block grant that will help retrofit factories, retrain workers, increase exports, things that are necessary to ensure that American

manufacturing can be rebuilt in this country. This is an area where I think the public is way ahead of the policymakers in believing that we have to make things again in America.

I again thank the gentlelady for leading this conversation. I think we all know, particularly as members of the freshman class, that the single most urgent challenge, the single greatest crisis we face right now is job creation, is getting the American people back to work. When you think about all the other challenges that our country faces, if suddenly 14 million Americans were put back to work, it would go a long way to solving many of the other challenges we face. When people have a job and they have the ability to support themselves and their family and, of course, they're also contributing as productive taxpayers, that's a benefit to our whole society and certainly to our country.

I hope that what the President has outlined in the American Jobs Act, what we've outlined as part of the Make It in America agenda, the investments that are included in the American Jobs Act to rebuild the infrastructure of our country, to invest in roads and bridges and ports so that we can move the goods and services and information necessary to compete successfully in the 21st century, are those kinds of investments that ensure that we will do things today that will create jobs in the short term and in the long term deal in a responsible way with managing our debt and our deficit.

But we've got to do both things: we have to have a long-term strategy for fiscal responsibility that addresses the serious challenges that we face in terms of our debt, and at the same time we have to make the right investments that put people back to work and that ensure that we're investing in the things that are necessary to compete successfully and win in the 21st century: innovation, infrastructure, education, the things that are necessary to ensure that we rebuild the economy and that we not only put people back to work, that we position ourselves to continue to succeed and lead the world as an economic power.

I think that we can do it, the American people expect us to do it, and I know when I am home in my own district and I hear directly from my constituents, they are expecting Congress to take action that is going to get this economy back on track, that's going to create jobs, and that's going to allow every American to have a legitimate shot at realizing the American Dream.

I thank the gentlelady for the time.

□ 1510

Ms. HANABUSA. I thank the gentleman from Rhode Island. Before he leaves, I'd like to say this:

We have an opportunity as freshmen. We came here as a small number originally—the Noble Nine—and we have maintained our relationships. We hear each other all the time. Some of us sit

right in front of where the Congressman from Rhode Island is, and we shift in and out of those seats because we hear what each other has done and what our constituents are saying.

I can't tell you—and I'm sure he shares this with me—how great it is to hear, for example, the Congressman from Detroit talk about the Detroit plan and to hear the Congressman from Rhode Island speak about a type of block grant for his Make It in America part. Each and every one of them has done something where they're looking at and hearing their constituents. That's what we want to impress upon everyone, that we hear what our constituents are saying.

I think it was said very well by the Congressman from Delaware that we all have to put everything aside and build on the public's confidence. In Congress, we're just another body. The public has got to feel that confidence, not just in Congress, but in the United States of America, the greatest country in the world. They've got to feel that confidence. They've got to understand that other economies depend upon us. When we look like we're quibbling over things that are irrelevant to international matters, that's when their stock markets go crashing—based on how we act.

So wouldn't you say, Congressman CICILLINE, that what we need to do is set things aside and, as to anything we've got to do within the next 14 months, work together so that people begin to have confidence in us and then, by that, have confidence in this great Nation?

Mr. CICILLINE. I agree.

One of the important responsibilities that we have—and I think the work of the supercommittee is, obviously, first and foremost to all of us—is the opportunity to deal with the urgent responsibilities of our economic condition and our debt and our deficit and being sure that we are responsible in the way we cut spending. At the same time, if we do this right, we have an opportunity to restore the public's confidence in the operations of its national government.

I think people are going to look to this, and it will not only matter for the next fiscal year; it will matter for many generations. We will be able to demonstrate to the American people that we came together, Republicans and Democrats, and solved this hard set of questions and made the tough decisions to fix our economy in order to be sure that America continues to lead the world.

As freshmen on both sides of the aisle, we come here new to this experience and maybe without a lot of the history that so many other Members of Congress might have and some of the scar tissue that has maybe been built up over the years. I'm hoping, with the energy and the optimism of our freshman class and with our freshman colleagues on the other side of the aisle, it can help propel us into a new way of



working together, in a bipartisan way, to solve the real challenges that face our country.

Ms. HANABUSA. The one message that resonated at home is that people think we're going to do this time and time again—in other words, that we're going to have the CR issues, that we're going to have the debt ceiling issues. So I've impressed upon them, if the supercommittee does what it's supposed to do, that it's a plan for 10 years, and hopefully, it will give us stability.

The gentleman from Delaware said STENY HOYER, our minority whip, stated it's going to be the most critical vote we all take and one of the most critical votes that this Congress will take because, in this difficult time, that's what is going to render us stable if we're able to do it correctly. So I hope that on both sides of the aisle we're able to do that.

Mr. Speaker, I yield back the balance of my time.

#### ENROLLED BILL SIGNED

Karen L. Haas, Clerk of the House, reported and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 2608. An act making continuing appropriations for fiscal year 2012, and for other purposes.

#### JOB CREATION

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the gentleman from Arkansas (Mr. GRIFFIN) is recognized for 60 minutes as the designee of the majority leader.

Mr. GRIFFIN of Arkansas. Thank you, Mr. Speaker.

I've been listening here on the floor today, and I heard some folks mention the need for action on the issue of jobs. I agree. Some of them said, hey, there hasn't been much action. There has been a lack of action, I think was the quote that I heard here on the floor earlier. I'd like to talk about that a little bit.

There has been a lot of action on the issue of jobs in the House. When folks talk about the Congress, they sort of group the House and the Senate together. I understand that, but the House and the Senate are two separate bodies, and the leadership in the House and the leadership in the Senate have two different visions of where this country ought to go.

As it relates to the House, there has been a lot of action. We've passed about 90 bills in the House this year. During that same timeframe, the Senate passed 20. A lot of those bills that we've passed here in the House directly relate to the issue of job creation and in helping our country get back on its feet.

Many of us understand that government is not the key job creator in this

country. The private sector creates jobs, and the government can make things better or make things worse for job creators. My hope is that we're working to make things better—to create an environment where the private sector can then flourish, can innovate, can advance, and create jobs.

Now let's talk about the action here in the House.

We've got a number of bills that we've passed that relate to job creation, bills that were then taken down to the other side of this building and given to the Senate. That's where they rest. They're just sitting there. A lot of us grew up in the seventies. We remember "Schoolhouse Rock." We remember that little bill sitting on Capitol Hill. That bill can't become a law unless it passes this House, the Senate, and then the President signs it. Well, that little bill was passed out of here. It's waiting on the Senate to do something about it, that little jobs bill, and there's a whole host of them down there with it. Let me mention a few of them.

First and foremost, when we got here in January, we voted to repeal ObamaCare, the health care law that recently passed. Why did we do that? Because it is a source of angst, uncertainty, out-of-control government spending, and excessive regulation the likes of which this country has never seen before. We voted to repeal that on the first day of the first week back. The first week we got here we sent that over to the Senate, and they didn't pass it.

We passed H.R. 872, the Reducing Regulatory Burdens Act. No Senate action.

We passed the Energy Tax Prevention Act to block some of the EPA's controversial excessive regulations. No action on that.

We passed H. Res. 72, asking our House committees to inventory regulations and look for places we can trim them back, reform them and save. No action like that in the Senate.

H.R. 1230, Restarting American Offshore Leasing Now Act, a bill, along with several others that we passed, to encourage energy exploration. No action in the Senate.

The Putting the Gulf of Mexico Back to Work Act. No action in the Senate.

Reversing President Obama's Offshore Moratorium Act. No action in the Senate.

We can go on and on and on.

One of those things that we passed here that the Senate hasn't passed is a budget—a fundamental document for managing one's finances. We passed one here. They haven't had a budget in the Senate for, I think, about 2 years now. For 888 days, no budget in the Senate.

So we've done a lot here in the House. Congress as a whole hasn't acted on a lot of this stuff, but we've done our part, and we've sent it down to the other side of the building, to the Senate. We're waiting for action on many pieces of critical legislation that

can help this country get back to job creation.

□ 1520

I would now like to yield to my friend from Illinois.

Mr. KINZINGER of Illinois. Thank you.

This kind of reminds me of the story of the rogue cowboy. When you think of somebody, you know, sitting under the sun just taking it all in, doesn't really want to work with anybody.

That reminds me of the Senate, taking it easy. They haven't taken a lot of votes this year; more interested in, I guess, getting paid and letting the bills stack up, and they don't need to work with anybody.

But you know what we can do in that process? Let's blame one small lever of government. Let's blame the House Republicans. Let's blame them for the 9.1 percent unemployment. Let's do that. You know, that's what we can do. We don't actually have to govern.

I mean, when you look at it, they've had control of the House of Representatives and the Senate since 2006 and the Presidency since 2008, with the exception of a very brief period of time over the last year where Republicans have been blessed and fortunate enough to be in the majority in the House of Representatives. But yet this unemployment, according to them, is our fault.

We need jobs in this country. In my district, the 11th Congressional District in Illinois, you have cities like Joliet, like Ottawa, like Bloomington. A lot of places have seen their manufacturing base disappear. They've seen it over the last 20 or 30 years. And what's been our reaction? Well, typically the knee-jerk reaction in Washington, DC, is that we have to have some kind of a program. We have to pass more spending.

Well, if there's no jobs, I mean, obviously the problem, if there's no jobs, it's got to be because Washington, DC, hasn't done enough. And so we get in this perpetual cycle of let's spend more and spend more.

I remember a couple of years ago, almost a trillion dollar stimulus was passed out of this House of Representatives, and I think by everybody's measure would agree that it was ineffective. I have not seen many people with a straight face argue that the stimulus was effective. Even the Commander in Chief, the President himself said, well, you know, it wasn't quite as shovel ready as we expected.

Mr. GRIFFIN of Arkansas. Reclaiming my time, I just want to point out that in Arkansas the President predicted that the stimulus would create 30,000 jobs. I think, in the end, the government funded about 4,800 jobs at a cost of around \$300,000 per job.

Now, if someone would've just given me the checkbook, I could have created more jobs writing people checks and could have saved people all the work. I mean, the idea that you create jobs at \$300,000 a job is just unbelievable.

Mr. KINZINGER of Illinois. That's a great point. What's amazing to me is you put out those very staggering numbers, and every American should just be horrified at those numbers, but I've actually heard Members of the other side of the aisle actually say the stimulus wasn't big enough. I think most people listening today have heard that: The stimulus just wasn't big enough. Okay, well, I disagree, but fine.

Theoretically, let's say it wasn't big enough. So what do we need, another \$2 trillion, \$3 trillion stimulus, a gajillion dollar stimulus, because then everybody can go back to work? But the President puts a \$450 billion stimulus.

The only argument I have heard that has any credence—and it doesn't—is that it wasn't big enough. That's why it didn't create jobs. So stimulus 2, which is smaller, has got to do what the large stimulus 1 never did. The insanity of the things I hear is staggering.

We've got to get people back to work. That's what it really comes down to. I think everybody agrees about that.

So we can work and say for 20 years we've been spending and spending and spending—\$14 trillion obviously wasn't enough to get us out of this deficit—or we can do what the House Republicans have been promising the American people and following through on, which is to say let the American consumer and businessman breathe the clean air, the fresh air of freedom, the fresh air of capitalism, understanding that if somebody has a fear of hypodermic needles, you don't solve that fear by stabbing them with a bunch of hypodermic needles. So if we have a debt problem in this country, you don't solve it by spending more and more. You initially figure out a better way to deliver those solutions.

Look, Federal Government isn't the answer. Everybody you are going to hear from tonight is going to tell you the Federal Government isn't the answer. In many cases, it's the problem. But the answer, the thing that has made our country great, the thing that has made us powerful is the people that live here, not the government that represents it. It's the people.

So I think, as this discussion goes on tonight, I look forward to listening and being part of it. But, again, to talk about a jobs bill—by the way, I don't want to say the words "jobs bill" again because, if it was a real jobs bill, I think that would be an appropriate title, but it's just stimulus 2.

Mr. GRIFFIN of Arkansas. I thank the gentleman from Illinois. It's stimulus, the sequel.

I would just like to point out that you made a really good point. The government is not going to be the answer in terms of creating jobs. The government can help create an environment where the private sector can innovate, can grow, and can create jobs. We can assist by creating an environment in a country where businesses and job cre-

ators flourish, and that's what we want do.

I yield now to the gentlelady from Alabama.

Mrs. ROBY. Thank you so much. I appreciate your leadership here this afternoon giving us an opportunity to once again talk to the American people about jobs.

As the weather gets cooler outside, I know in the State of Alabama there's several large fairs that are happening right now, and I love the fair. I love going to the fair. I love taking my children to the fair. I love the corn dogs, the elephant ears, the Tilt-A-Whirl, the go-carts. I love going to the fair, but I really love roller coasters.

What I love about roller coasters is the anticipation, the tick, tick, tick as the carts reach the top of the hill; and every tick on that anticipation of unleashing the speed of that roller coaster, all of these job-creating bills that we've passed right here in this House of Representatives. And yet it's like being on a roller coaster and you've reached the very top and it shuts down. Because every piece of legislation that we've passed in order to unleash the private sector's speed and momentum to get this economy back on track is dead in the water, dead on arrival in the Senate.

We can't take it anymore. I've just gotten back from my district, like all of you have, and I've traveled around and I've looked into the eyes of the people who want to create these jobs. Our American job creators are sitting on almost \$2 trillion that they could be reinvesting in the private sector. Yet, as I have mentioned on this floor time and time again, I have visited places that have told me that every dollar in extra capital that they have they are having to reinvest back into their company in order to comply with EPA regulations. This is unconscionable. This is unconscionable at a time when our country is so desperate for good-paying jobs and people have given up even looking for those jobs.

I want to tell you real quickly about a recent trip that I took to International Paper in Prattville, Alabama, and I had the opportunity to sit down with them and talk specifically about a bill that we have in front of us on the floor today, and that's the Boiler MACT bill, and the thousands and thousands of dollars and millions of dollars all across this country and all the jobs that are going to be lost if this rule is implemented. They just can't comply. They have spent so many dollars already to already comply with the regulations in place, and this will essentially shut them down.

This is just one more example of what this Congress is trying to do in order to allow the private sector to create jobs. All of us make site visits to companies and to manufacturing sites throughout our districts, and all you have to do is see the empty space, the empty cubicles. This is real. This isn't just some pie-in-the-sky thing that we

are just standing here on the floor talking about this. It's real. There are real people hurting, and we've got to get the government out of the way.

I look forward to continuing this discussion with all of you this afternoon. But on behalf of Alabama's Second District, we'll keep fighting for the opportunity, and we have got it right here, just the tick, tick, tick on the roller coaster waiting for that free fall, but we've got to get Senate Democrats on board.

□ 1530

Mr. GRIFFIN of Arkansas. I thank the gentlelady from Alabama.

I would say, when I sit down and meet with constituents, whether it be here or back home in Little Rock, one of the complaints that I hear the most is that Federal Government continues to over-regulate, continues to burden us with regulations that are excessive, that just don't make sense, and they're implementing them without checking with the folks that they're going to most impact, or ignoring the folks that they will most impact.

There are a number of agencies that are doing that. We hear a lot about the EPA, but it's not just the EPA. You can just go right down the list of Federal agencies and they're issuing new regulations, many of which are almost impossible to comply with.

Today we voted on the concrete MACT and the boiler MACT legislation to help prohibit, to prohibit the EPA from implementing some of these harmful rules. And I can just tell you, talking to folks back in my district, these rules will have a specific impact on them. It will cost them millions of dollars to implement; and ultimately, it costs jobs.

Mrs. ROBY. Will the gentleman yield?

Mr. GRIFFIN of Arkansas. I yield to the gentlelady from Alabama.

Mrs. ROBY. Just to go back to what I was talking about with International Paper, the cost of implementing boiler MACT regulation when combined with the anticipated cost of implementing other pending air regulations would place at risk 36 mills, 20,541 pulp and paper mill jobs nationally; and this is approximately 18 percent of the primary pulp and paper industry workforce. The number of lost mills would rise to 79 if all air regulations are taken into account. The loss of jobs would rise to 87,299 if jobs and the supplier in downstream industries are figured into the equation. This would mean about \$4 billion in reduced wages and some \$1.3 billion in lost State, local, and Federal taxes. I just wanted to add to what you were pointing out.

Mr. GRIFFIN of Arkansas. That's the real impact that these rules will have if they're implemented. I would like to say, before I yield to the gentleman from New York, these regulations continue. It's almost every week there's a new one. I don't think anyone here is against regulation. This is not an issue

of do we regulate or not. Of course we need regulations. We need commonsense regulations that protect Americans.

What we're talking about are excessive regulations. What we're talking about is an unprecedented growth of regulations over the last few years that are stifling and crushing business.

One thing I'll mention with regard to health care, businesses aren't just concerned about the regulations that exist. They're concerned about the regulations that are in the pipeline that they haven't seen yet because it adds uncertainty to doing business. So a business may have some money set aside that they want to invest and expand their factory and they want to hire new people, but they don't yet know what the impact of the recently passed health care law is going to be. So they put that money aside and they sit on it.

I've had constituent after constituent tell me that if this health care law that recently passed is fully implemented, it will have a devastating impact on my business, and we will start paying an additional \$100,000 or \$200,000 or \$300,000, or whatever the amount is, for that particular business. So they're putting money aside waiting to see what they'll have to spend to comply with this new law.

The same situation with Dodd-Frank and a lot of the new financial regulations. There was a gentleman speaking earlier. He talked about small businesses needing access to credit. Well, let me tell you, the Dodd-Frank bill is part of the problem. If you really wanted to inspire confidence in job creators, the President ought to call a press conference today and say he's going to do everything he can to repeal his two big mistakes—ObamaCare and Dodd-Frank. That would give job creators a shot of confidence, and I guarantee you the markets would respond likewise.

I now yield to the gentleman from New York.

Mr. REED. I thank the gentleman from Arkansas for yielding and for setting up this leadership hour for us to have this important conversation.

I would say to all of my colleagues, it doesn't take a whiz kid to figure out that we're on the wrong path in America. So how are we going to change it? I come to this Chamber always in an optimistic manner. I come to this Chamber with the energy and the commitment to make America better. And we're going to change that by changing the culture of Washington, D.C. I'm proud to be part of this freshman class: 87 House Republicans, 13, approximately, new Democratic faces on the other side of the aisle. So how are we going to change from that new class, develop a new breed of elected official that puts country and policy over politics?

I can tell you that my colleagues that I have spent a tremendous amount of time with in the freshman class have always taken the approach that it is

policy over politics, and I am pleased to be joined on the floor here today with a colleague, a Democratic colleague, joining us, a bunch of House Republican freshman Members, a fellow freshman Member from the Democratic side, who has had the courage to stand up and publicly stand with us to talk about what is the critical issue of this Congress, and that is creating an environment where the economy improves and people can be put back to work.

It's about creating an environment that creates jobs. My colleague from Michigan, who I have developed a friendship with, is down here to join us to offer his ideas. Although we may not agree 100 percent on all of the ideas that he brings to the table, I still respect the man and I respect many of his ideas. And I respect that there are going to be areas where we will find common ground, that we can come together and move the ball forward so America will see its best and brightest days again ahead of us.

One of the common grounds that I know that's coming down the pipeline next week is the free-trade agreements. There's vast bipartisan support for those free-trade agreements which would equate up to 250,000 new jobs essentially immediately within the next 12 months. That type of economic opportunity is what we should be focusing on and on which we focus on here in the House as a freshman class, pushing forward policies and agendas that put the country first rather than our reelection efforts and our political ambitions ahead of country and policy.

One of the other things that we have to change in Washington, D.C., and I know my colleagues on both sides here today are firmly committed to, we have to look at this from a long-term comprehensive point of view. When you've got the Senate that hasn't passed a budget in 888 days, any businessman in America will tell you that how you run an operation, you at least have to have a vision, you have to have a strategy; and in government that document that sets the vision and the policy and the guiding principles of how we should operate is a budget. It's a fundamental thing that we do. So, again, the Senate needs to join us, lock arms with this freshman class and say we're going to put country and policy over politics, and jump.

That's why I have so much respect for my colleague from Michigan coming down and joining us here today, and if my colleague from Arkansas will yield him time to offer his insights into this debate. But, again, it's a commonsense approach to governing: do the job, lay forth the vision in a budget, work together to find common ground, and create an environment in America where people can go back to work and take care of their families for generations to come. It's only through that type of commonsense approach that I believe that we will move this ball down the field the way that it

needs to, and I'm proud to join my colleagues.

Mr. GRIFFIN of Arkansas. I thank the gentleman from New York. I will in a minute yield some time to the gentleman from Michigan, but I want to first yield some time to the gentleman from Wisconsin.

Mr. DUFFY. I appreciate the gentleman from Arkansas for yielding.

Just quickly, we have heard a lot about the President's jobs bill, and I think everyone in this House agrees that this country needs more economic growth and it needs more jobs. I'm from Wisconsin, and a lot of folks in Wisconsin and across the country want to see the folks in Washington and in Madison start to get along, try to find points of agreement instead of points of disagreement.

So the President came up with this jobs bill. I said, you know, Mr. President, I can agree with you that we need tax reform. I can agree with you that we need regulatory reform. And I can also agree that we should probably extend the payroll tax holiday.

□ 1540

But the President has gone a step further, and he wants to have a second stimulus. He wants to spend nearly half a trillion dollars because he believes more government spending will lead to economic growth, prosperity, wealth, and sustainable jobs. And we tried that to the tune of a trillion dollars. That doesn't work. But when the President talks about tax reform right after he gives that speech, a week later he comes out and says, my idea of tax reform is to raise taxes.

This doesn't make sense. Do you think that you help the job seeker by raising taxes on the job creator? He talks about reforming regulation. But all we see is more and more regulations coming from the agencies and the White House. And what that does is it makes America less competitive. It's pretty easy to see that we are a global economy; and in this country, we pay our employees more. I think we can do that because American workers are harder working, they're more productive, and they're smarter. But on top of that, our businesses have far more mandates, far more regulations, far more red tape; and now they're going to pay far more taxes.

With that kind of environment, how do we expect our businesses, our manufacturers to compete on this global scale? Sometimes people in Washington sit back and they scratch their head and they say, why are businesses leaving? Well, Washington has made it uncompetitive for American industry and American small manufacturers to compete, succeed, win, and put our hardworking families back to work.

I come from northern Wisconsin. You may not know this, but I grew up doing lumberjack sports. That's chop, saw, logroll, and tree climbing, skills of the old-time lumberjack. That's how our whole region was built. Paper is still a

huge industry where I come from, and the EPA was coming out with a Boiler MACT regulation. If that were to have gone through, that would have killed Wisconsin paper, it would have rippled throughout our whole economy, and it would have killed thousands of jobs in our community.

Just the threat of Boiler MACT has sent ripples through the economy. If you look at our loggers—this isn't small business, this is big business. They have big loans and big pieces of equipment, and they can't access the national forest. There are policies coming from this town that make it so much harder for our small businesses to succeed, compete, grow, and hire our hardworking people.

We have to switch around. I'm not a farmer. I said I was a lumberjack, but I do have a garden. And I think the economy is much like a garden. When you garden, you have to have good seed and good soil. Right? And you have to have sun and water. If you put that all together, it's amazing, your plants will grow. Once in a while, you can throw a little Miracle-Gro on them, and they grow a little more. The economy is no different. You can't have no sun and bad soil and just pour Miracle-Gro and expect the plant to grow. It doesn't work that way. We need to set the environment for expansion and growth and American competitiveness. That's not happening right now. We need to change these policies.

So look at what we've done in the House. In this House, those are the bills we've passed. We've passed bill after bill after bill that makes the environment more competitive for American industry, which means we would have more jobs in America, and they die in the Senate. And I think it's almost fruit loop legislation in the Senate, which is no legislation.

Until we start to turn this process around, start to focus on points of agreement that will turn the economy around and put our people back to work, I think you're going to see a continued discontent of people in this country with this town.

So with that, Mr. GRIFFIN, I'm proud to be here with this freshman class doing the hard work in a bipartisan way, trying to change the environment to put our families back to work.

Mr. GRIFFIN of Arkansas. Reclaiming my time, what you have just described is the fact that we can't mandate companies to come back to the United States. We can't mandate companies to invest in the United States. We have to attract them. We have to create an environment where they want to do business, and we've got to create an environment where they want to invest. We want people to look at the United States and say, that's the only place in the world to do business, that's where I want to create jobs, that's where I want to innovate, and that's where I want to invest. And as you say, a lot of the rules that we've set up have run folks off. So they're

creating jobs, but they're creating them somewhere else.

I yield to the gentlelady from Alabama.

Mrs. ROBY. I want to interject quickly. You talked about the forest products industry. And since 2006, it's already lost 31 percent of its workforce. That's nearly 400,000 high-paying jobs located in mainly small, rural communities. And without passing this Boiler MACT legislation, the situation is only going to become worse. So I just wanted to throw that in there.

Mr. GRIFFIN of Arkansas. I would like to now yield quickly to our friend from the other side of the aisle who has joined us, the gentleman from Michigan.

Mr. CLARKE of Michigan. I want to thank the gentleman from Arkansas for yielding to me to address this body and also to my good friend, the gentleman from New York (Mr. REED), for inviting me to be here.

As you know, I'm a Democrat. I'm currently vice president of the Democratic freshman class. And yet we may have our differences, but the people that we represent in this great country are all different. That's what makes our country so strong and so great is that we attracted people from all around the world with their different talents and perspectives. But they all have the opportunity to responsibly express themselves and leverage their talents to build one of the greatest countries our civilization has ever known.

One thing I do know that we can agree on is that the role of this Congress is to create jobs and to help improve the business climate to keep and attract the investment that creates jobs. I want to give you an example of the place that I was born and raised in and that I currently live in, the city of Detroit. That metropolitan area has lost more jobs than any other metropolitan area in the last 10 years. Home foreclosures came through, hit our city like a wave and destroyed blocks and blocks of formerly viable neighborhoods. It's been heartbreaking for me to see what's happened not only to the city but to the people that I love, many of whom have had to leave the city for the suburbs. They've moved out of State. Many have just lost hope altogether.

I want to get to the point. What businesses have told me on what they need to stay in the city and what businesses would need to locate in the city is the same things that Detroit families want: simple, basic things—safe neighborhoods, good schools, a low cost of living and doing business.

So think about it: if we could provide better public safety for folks, if we could improve the schools and cut those high municipal taxes in Detroit, I know that we could keep businesses and attract new jobs. And here's why. Even though this city has been very hard hit economically, we've got the best manufacturing know-how in the

country. We've got a great trained workforce. If we're able to hire more police officers, hire better teachers, keep our schools open longer, cut our property taxes by eliminating our daunting municipal and school debt and eliminate our city income tax on residents and nonresidents, we could bring jobs back to Detroit. And not only that, we could create jobs for this country.

Now all that sounds like it costs money. It does cost money. But here's what I'm proposing. It's not new money. Let's just use existing tax revenue that Detroit businesses and Detroit individuals pay right now. We put that money in trust on a pilot basis to see how it works. And we would say, if the city wants to benefit from those tax dollars, it's got to pay off its debt entirely, the city and the school district, and it's got to eliminate that uncompetitive city income tax. And then the rest of the money can only be invested in those core areas that will improve the business climate of that city, like making the streets safer, the schools better and rebuilding those crumbling roads and water systems. That's what we can do.

I appreciate the gentleman from Arkansas for yielding to me.

Mr. GRIFFIN of Arkansas. Thank you for joining us here on the floor today. We appreciate it very much.

I now yield to the gentleman from Colorado.

Mr. GARDNER. I thank the gentleman from Arkansas and the gentleman from Michigan for his words. We all may disagree how to get there, but we do want to be sure that the final goal is reached, and that's a stronger, better America, an America that has a strong economy that's putting people back to work.

□ 1550

This is the 31st straight month where unemployment has exceeded 8 percent. It's got to end. It's got to stop. This country needs to get an economy that's back on track.

In August, I spent a lot of time visiting with businesses around my district in eastern and northern Colorado, and one of the initiatives that we launched was an initiative called the "One More Job" initiative. The idea was to learn from job creators, those people who are on the front lines of our economy, what it takes for them to create another job, what would help their business grow and expand to the point where they could hire somebody else so that their customers are returning, so that they're able to sell their goods, their products, their services so that that business could expand and grow again; because, in Colorado, if just 10 percent of businesses in Colorado hired one person, if just 10 percent of Colorado businesses hired one person, we would create 60,000 jobs in the State of Colorado alone, in my home State, 60,000 jobs. That's not by telling businesses that they have to hire people. That's not by telling people that

they've got to do X, Y, or Z. But it's saying, all right, if we can get this economy growing again, what is it that would allow you to expand? And so I'm excited to share with the Congress, my colleagues, ideas that job creators in Colorado have about what it would take to get their businesses hiring again.

An independent consultant and business owner had this to say in response to our "One More Job" initiative:

"As a startup consultant and owner of my own business, I see the day-to-day regulatory burdens and uncertainties that many employers, both small and large, face. It seems to me that small businesses, including high-tech startups, are operating on the edge of knowing. They operate month to month or even day to day only to find out that a government fee or regulation or tax threatens to close their doors."

We have a kerfuffle every day on this floor about what it will take to move this economy forward, about what it's going to take to start creating jobs again. Let's listen to a car dealer. Tourism. Many jobs here. Build a strategy of promoting the State's beauty on a consistent basis. I'm glad to say that last night this body, the House of Representatives, passed a bill to increase the opportunity for tourism in Colorado around our ski resorts, our ski slopes in Colorado, the opportunity to not just generate jobs during the ski season itself, but to allow off-season uses, multiple seasons of use, zip lines, alpine slides, creating jobs in tourism in Colorado. This body passed that bill last night. I hope the Senate will pass it soon so that we can start creating jobs.

When I hear from my colleagues around Washington, D.C., around the country saying that the House of Representatives hasn't passed a jobs bill, we passed the Jobs and Energy Permitting Act. That would create 54,000 jobs. Last night, we passed a bill that would add to tourism jobs in Colorado, across the State, across the country. And so we are passing these bills. They need to move through the Senate. They need to be signed by the President.

The fact is we've got a lot of work to be done, and I thank the gentleman from Arkansas for allowing us to be here today to share that message.

Mr. GRIFFIN of Arkansas. I yield to the gentlelady from Alabama.

Mrs. ROBY. The only other thing that I would have to offer is to say that, as we move forward in the coming months and weeks, we've got to find common ground, but we do not have to forfeit our principles in doing so. We stand by the things that conservatives stand by. It's a three-legged stool: We're fiscally responsible, we're socially conservative, and we are pro-military, pro-defense. And we can still stand on that stool but yet continue to seek opportunities to find common ground.

The problem is that the Senate is not even having this conversation. We

watched 2 weeks ago as they tabled the continuing resolution that we passed in the House, meaning they're not even going to take an up-or-down vote on this, and ultimately passed something much different.

We are asking our friends on the other side of the aisle in the Senate and the White House to have a conversation with us. We have passed all of these bills that will lift the heavy hand of government off of the very job creators in this country; and we just want an opportunity to debate and then find where we do share that common ground, again, without ever compromising our core conservative principles.

Thank you again to the gentleman from Arkansas. I really appreciate the opportunity to spend this hour with you.

Mr. GRIFFIN of Arkansas. I would like to say a few things, if I could, about the President's so-called jobs bill.

We've heard about the desire for bipartisanship. We've heard about the desire to work together and find common ground. Well, not too long ago, the President visited us here in the House. He spoke from the podium and he talked about his new jobs bill. Well, he didn't talk about finding common ground. He didn't really talk about meeting us halfway, finding areas we could agree on. He just said, Pass my bill; pass it as it is. Then he ran around the country saying, Pass my bill; pass it as it is. Well, at that time there wasn't even a bill here in the House to pass. And when we finally did get the text of it, we saw that it certainly didn't reflect bipartisan agreement, certainly didn't reflect meeting halfway. It was stimulus 2, stimulus the sequel, and we know how ineffective the first stimulus was.

I'm here to work with other folks, find areas where we can agree and move forward. But there hasn't been a shortage of bills and legislation passed in this House. As we talked about earlier, we've passed bill after bill after bill that will help create an environment in this country where the private sector will want to do business and grow jobs.

When the President's bill finally got here, the so-called jobs plan, we found out there are not even enough Democrats to pass it in the Senate. I see just a few minutes ago the Republican leader in the Senate wanted to have an immediate vote on the President's jobs bill, and he has been blocked. He has been blocked by the Democrat majority leader in the Senate. He doesn't want to allow a vote on the President's jobs bill. I suspect that has something to do with the fact that most of the Democrats over there aren't going to vote for it either. They didn't just get here. They were around when the last stimulus passed and they realize how ineffective it was. And so the President can't even convince his own party to support his so-called jobs bill.

I think at the end of the day we can agree here that we want to pass legislation that will help the private sector grow and create jobs, no question. No question. We've passed a number of those here, and we're willing to work on more. What we need is the Senate to actually take up some of the stuff that we've passed, because I'll just say this: I've talked to a lot of job creators in the Second Congressional District of Arkansas, which is basically central Arkansas, with Little Rock at the core, and a lot of them, they have money to invest and expand and create jobs, but they're holding on to it. Why? Because they're uncertain about the future. They don't have confidence in the direction of this country. They're worried.

So businesses, job creators do what families do. They hold tightly to their money, save up, hoping that things will get better, hoping that they will gain some confidence in the direction of the country so that they can then spend that money to expand a plant and hire more people and what have you.

So what makes them uncertain? What makes them worried? Well, what I hear is overregulation, the need for tax reform so that we can be competitive with other countries, the health care bill that passed last year. That's got a bunch of folks worried because they don't know what the impact is going to be. The Dodd-Frank bill is absolutely killing our small town community banks that are a critical source of credit for small businesses and families. They're worried to death. All of this stuff. And let's not leave out the debt.

People are concerned about the debt because the national debt affects the markets. It affects interest rates. It affects the value of our currency. And folks see what's going on in Europe and they say, man, if we don't get this under control, we're next.

□ 1600

All of that, all of those different concerns, those worries, add to the uncertainty.

I yield to the gentleman from Colorado.

Mr. GARDNER. I thank the gentleman from Arkansas.

And to your point, what you are talking about, the direct consequences that legislation and regulation is having on job creators throughout the United States. In another email that I got from a business owner in Longmont, Colorado, he makes comments about how the Dodd-Frank bill is affecting his business. And he ends his comments with this, "Right now, Dodd-Frank appears to have completely killed my business."

We dealt earlier today and we will continue to deal with the Cement MACT rule that talks about what we're going to do to basic manufacturing elements in our country when it comes to cement. If we are going to pave the road to a better economy, we'd better

not do it without cement because this government is about to say, No more cement in this country.

So I thank the gentleman from Arkansas for his passion for job creators in this country.

Mr. GRIFFIN of Arkansas. I think you were there yesterday when we had a visit from some folks in the cement/concrete industry. I was taught yesterday the difference between cement and concrete. Cement is what we use to create concrete. And he sat there, and he said, Look, I've got a lot of employees. I want to hire more. I want to grow. But this regulation, this Cement MACT regulation is going to kill a lot of our businesses because it's going to set a standard way beyond the European standard, and it's going to set a regulatory standard that our businesses cannot meet no matter how much they spend. I think he mentioned that one company had spent \$20 million trying to comply, trying to tighten up their operations to meet some of these regulations. He even said, This regulation is so stringent, you can't even measure what the EPA is trying to achieve. It's beyond our ability to measure.

It's not that these guys are against regulations. He said in our meeting, We've been regulated for years. We're going to continue to be regulated, and we're cool with that. We get that. We understand that. But this type of regulation will put us out of business, and the only people making cement will be elsewhere. He said, The cement business is growing big time in China, and to compete, we've got to have commonsense regulation.

I yield to the gentleman from Colorado.

Mr. GARDNER. I think in that same conversation we talked about an editorial or an op-ed piece that was written by Charles Schwab, a very well respected voice when it comes to the economy in this country. In The Wall Street Journal editorial, it said basically this, a quote from Charles Schwab, What we can do and absolutely must is knock down all hurdles that create disincentives for investment in business. And that's exactly what you were talking about in terms of making sure businesses have the ability to grow and have the government getting out of the way.

Mr. GRIFFIN of Arkansas. I yield now to the gentleman from New York.

Mr. REED. I thank the gentleman from Arkansas. And I simply wanted to end this conversation with, as I get ready to leave and as our colleague from Kansas has joined us—I think the gentlelady from Alabama said it best. We came here as a new breed of elected official, part of this freshman class. We are not here to compromise our principles, but we're here to govern responsibly.

Mr. GRIFFIN of Arkansas. Get things done.

Mr. REED. Get things done. And we can do that. That's why I was so pleased that our colleague from Michi-

gan joined us today. Even though we may disagree on many things, there is common ground there. He recognized that lower taxes creates a business climate upon which entrepreneurs can put people back to work. We're all trying to achieve the same goal. Now it's time to have the Senate and the President engage with the American people in an open and honest fashion and deal with these issues once and for all. Because if we continue to play the politics of yesterday, then America's brightest days are behind her. And to me, that is unacceptable. And I know to all my colleagues here today, that is also unacceptable to them.

Mr. GRIFFIN of Arkansas. I appreciate it.

I yield to the gentleman from Wisconsin.

Mr. DUFFY. Thank you.

I think we all come to this House in an effort to grow the economy and make sure we create policies that are going to help create jobs. We don't care if it's a Republican or a Democrat idea. We just want ideas that are going to work. So the partisanship goes away. It's ideas that put our families back to work.

I want to talk about taxes though, quickly, because I think there has been an engagement in class warfare. And I know the President, he talks about taxing millionaires and billionaires, corporate jet owners, and big oil companies. I don't have those people, really, in my district. I come from small-town America. And he talks about taxing those people. But what he leaves out is, he's here to tax the small businessman, the small manufacturer, the people who are making \$200,000 to \$250,000 a year. Those are the businessmen and -women in my community that own the small manufacturing shops that employ 10 people to 100 people. Those are the people that are looking for access to capital to grow their businesses that are going to put our hardworking families back to work. And those are the people that are going to pay the brunt of these tax increases that the President is talking about. So, you know what? The billionaires, I don't care. But I do care about the job creators in my community, in the district that I represent that are going to be hit by his proposed tax increases.

We all come to this House floor and we talk about debt reduction and job growth. There is a simple point I want to make here. If you look back at 1955, the top tax rate was around 90 percent. In the Reagan years, it was around 25 percent. From 90 to 25 percent, a great span of tax rates. What's unique is that no matter what the tax rate is, the Federal Government continuously brings in about 19 to 20 percent of revenue, as it relates to the size of the economy or GDP. Tax rate increases don't actually bring in more revenue. But if you want to look at what brings in more revenue to the Federal coffers it's economic growth. When GDP grows, so too does revenue to the Fed-

eral coffers, and that's because more people are going to work, which means more people are paying taxes. So if we want to reduce our debt and put our people back to work, let's focus on policies that grow our economy. When we grow our economy, more money comes into the Federal coffers, and more people are working, supporting their families, and paying taxes. Those are the policies that we're advocating for here in this House.

Mr. GRIFFIN of Arkansas. I thank the gentleman.

I yield to the gentleman from Kansas.

Mr. YODER. I appreciate the gentleman from Arkansas yielding to me.

I have been watching this debate as we discuss what are, to most people, commonsense American values. Hard work, a free enterprise system, and opportunity for all, the American system we all believe in that made our country so great, one of the most prosperous nations in history, the most prosperous nation in the world. And we see it being threatened every day by policies that are coming out of Washington, DC. It is heartache for a lot of us because we see the very principles that built this country being threatened in this very process.

So I'm pleased that the gentleman from Arkansas, the gentleman from Wisconsin, and the gentleman from Colorado are all arguing so passionately today for what they see as the future of the United States of America. I think one of the things that confuses a lot of folks back home is they see both sides of this debate on the floor saying, we're all for jobs. In fact, some people just come down and repeat it, Jobs, jobs, jobs. They say, Where are the jobs? And we just keep saying "jobs" over and over again as if that's somehow miraculously going to get the private sector to start creating jobs again.

They have come up with Washington solutions: borrowing and spending, creating jobs in Washington, DC. And what we know is that jobs aren't created here in Washington; they are created at home by small business owners. They are created through the free enterprise system. That's what made our country great.

But I think the reason this debate is so challenging and the reason that we're having such a hard time getting the sides to agree and the two Chambers to agree and the President to agree is because we have different principles by which we are arguing this debate. I want to lay out a couple of very commonsense principles that I wish this Congress could agree to and this government could agree to so that we could move forward with job creation. The first one is, regulations don't create jobs. And if we could get this body to simply agree that regulations don't create jobs, we would be moving a long way down the path toward job creation.



Mr. GRIFFIN of Arkansas. Can I interject that overregulation kills jobs?

Mr. YODER. That's absolutely correct.

So the regulations we're putting forward, not only do they not create jobs, but the gentleman from Arkansas is correct, they kill jobs. But yet I hear folks on this House floor, I see folks on the left, I see folks in the media arguing repeatedly that these regulations are actually good for business.

In fact, Robert Reich argued earlier this year, he said, There's no necessary tradeoff between regulations and jobs. In fact, regulations that are designed well can generate innovation as companies compete to find the most efficient solutions. And innovations can lead to more jobs as they spawn new products and industries.

□ 1610

Regulations don't create innovation. Regulations don't create jobs. They are a job killer. This is a commonsense principle that I know a majority of Americans agree with, and it's one that is completely refuted day after day on this House floor. If we can come to an agreement that regulations don't create jobs, we can get somewhere.

One of the reasons we don't, and you've been debating that this afternoon, is because they create additional burdens, additional hoops and additional challenges for small business owners that we're expecting to create two-thirds of the jobs in this country. In fact, just for fun, I brought down the stack of rules and regulations that have come out just in the last week. Every day, our small business owners have to deal with another one of these. Another one of these. Every day.

There's last Tuesday; there's last Wednesday; there's last Thursday; there's last Friday—a pile of new rules and regulations for business owners. Even if they don't affect them, they still need to read them and follow them and hire folks to be able to respond to them. You talk to folks at home, you say, Are you creating jobs? Are you hiring new folks? They say, We are hiring a few folks in the compliance department. So yes, you might create a new job, but you're killing the jobs in innovation, entrepreneurship, and free enterprise.

The other principle I want to leave with the folks here is that taxes don't create jobs. Taxing and spending doesn't create wealth. That is something that is in dispute on this House floor. If we could get an agreement with both parties that regulations don't create jobs and taxing and spending doesn't create jobs, we would be going a long way to solving this debate.

So when folks at home wonder, Why are they arguing so much? Why can't they ever get anything done? Why aren't they moving forward? Because we're debating basic commonsense principles of the free enterprise sys-

tem. And folks come down here and argue, Hey, these regulations are good for jobs. Hey, these new tax increases, that's good to create jobs. We're not going to get the free enterprise system going while we're smacking them down with new taxes and new regulations every day.

I appreciate the gentleman from Arkansas, the gentleman from Colorado and others down here having this debate, because it is essential to what it means to be an American in this free enterprise system we all believe in.

Mr. GRIFFIN of Arkansas. I thank the gentleman.

I want to use a little analogy and have a little fun here for a second.

If you have two runners and they're lined up ready to race and one runner is simply going to run straight to the finish line and the other runner has to run through an obstacle course, who do you think is going to win? I think we would all agree that the one who's just going to run straight, not going to have to jump over anything, not going to have to swim or climb a rope or whatever, go through tires, just run straight to the finish line, that runner is going to have a big advantage over the other runner. The other runner is going to have to climb a rope, go over a wall, go through the tires, do all the things that you do in an obstacle course.

The obstacle course, that's regulation. We need basic, fundamental regulation to keep us safe, keep our kids safe. I understand that. But that shows you what we're dealing with. You've got some countries who have little or no regulations, so their runners are just running down that track straight, unimpeded. We're putting up walls for ours, and then we wonder, Why can't we compete? Why aren't people investing? Why aren't they creating jobs in the private sector? Well, it has a lot to do with Washington, DC., my friend.

I yield to the gentleman from Colorado.

Mr. GARDNER. My colleague from Arkansas has a great point, that steeplechase economics will not work. It's when you remove the barriers, it's when you get things out of the way of this economy to grow, that's when we can create jobs. But if you're making people jump over walls and through water hazards, again, steeplechase economics have proven time and time again that they are failures.

Our colleague from Kansas has shown a great visual aid of what every business owner in this country is facing when it comes to their own business, when it comes to creating jobs, when they have to decide where they're going to invest their hard-earned capital. They've got to go through pages and pages and volumes and volumes of tax codes and regulatory decisions and court decisions about what it is they can or cannot do in their business, making this economy so that it actually is unable to unleash the innovators and entrepreneurs.

Mr. GRIFFIN of Arkansas. I would make a quick point on that if I could.

Some folks who want to invest, they've had the dream all of their life to create a small business, a little shop, maybe it's a bike shop, but to create that business. A lot of them are going to look at the metaphorical race, see the obstacles, and refuse to enter the race.

The SPEAKER pro tempore (Mr. CANSECO). The time of the gentleman has expired.

Mr. GRIFFIN of Arkansas. I thank the Speaker, and I thank the gentlemen for joining me tonight here on the floor.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair is prepared to recognize a member of the minority party for 30 minutes.

#### THE PRESIDENT'S AMERICAN JOBS ACT

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the gentleman from Texas (Mr. GOHMERT) is recognized for 30 minutes.

Mr. GOHMERT. Thank you, Mr. Speaker.

I appreciate the opportunity to speak here today, and I certainly appreciate my friends enlightening the Chamber and those that may be prone to listening.

I want to add a little bit to the enlightenment, as we've seen that the President is out there. And here is an article from the AP, dated October 4, saying that President Barack Obama is criticizing House Majority Leader ERIC CANTOR for saying the President's \$447 billion jobs bill will not get a vote in its entirety in the Republican-led House. The President singled out Mr. CANTOR. According to the article, it says, "I'd like Mr. CANTOR to come down here to Dallas and explain what in this jobs bill he doesn't believe in," Obama said in remarks prepared for delivery Tuesday at a Texas community college."

And as we know, the President would have been reading those remarks, because he wouldn't want to stray far from the teleprompter with remarks. We've seen what happens on those occasions, and it isn't pretty.

The article goes on:

"Three weeks after Obama sent the legislation to Congress, the proposal has run into resistance from Republicans and even some Democrats."

See, the article's not quite accurate on that, because we know that the President came in here, in this very body after he demanded to come speak, which requires an invitation. You can't just come speak on the House floor unless you're recognized by the Speaker, you're a Member of the House, or if the House votes to allow someone to come in who's not a Member.

Some people are surprised when they come in, Mr. Speaker, that the President's not up there where you are, but

the rules make it very clear. This is the people's House. The President can only come, just like any other leader that's invited, for instance, Prime Minister Netanyahu. They speak from the second podium because they're invited guests.

Well, now, it's a little bit rude to demand to come speak in someone's house, and then you come in there and lecture them and you state things like repeatedly saying, You've got to pass this bill right away, right now; pass this bill, this bill, and it turns out you didn't even have a bill. You had the gall to come in here and demand we pass a bill and you haven't even got a bill?

And then on Friday, the President hit the campaign trail. Well, maybe not the campaign trail, but whatever you want to call it. He was out there spending millions and millions and millions of dollars to go to different places around the country and demand we pass this bill. Tell Congress, pass my bill, and he didn't have a bill.

Saturday, Sunday, he's out there saying, Pass my bill right now, pass it right away. People, go to work immediately. Never mind that he had to take a vacation before he could get around to producing a bill that was that important. Never mind that he's going around telling everybody, We should make Congress pass a bill that doesn't exist.

□ 1620

On Monday, I was a little bothered we were being condemned for not passing a bill that didn't exist. So we were pushing to try to get a copy of this phantom bill. Late that afternoon, we finally got a copy emailed. I printed it out that Monday night at around 11 p.m., and I started going through the President's bill.

Now, by Wednesday, when no bill was filed and when the President was still running around spending millions of taxpayer dollars, condemning Congress for not passing his bill when he was so busy out there telling people to make Congress "pass my bill," he forgot to have anybody file the bill. For 6 days, we were condemned here in this Chamber for not passing the President's bill. He was so busy condemning Congress for not passing his bill that he forgot to ask somebody to file it for him.

By Wednesday, I got tired of being condemned for not passing the American Jobs Act, so I filed an American Jobs Act. Mine's two pages. It's H.R. 2911. It would create more jobs in America than anything that the President has ever even talked about because, though you have businessmen who are very successful, like Donald Trump, saying we ought to slap a 25 percent tariff on everything we buy from China, that starts a trade war. I'm sure we don't win. I don't think China wins. I don't think anybody wins. It would be messy. China owns so much of our debt, unfortunately, that it's probably not a smart move right

now until we get out from under this debt.

The Bible talks very clearly about what happens when you allow somebody to own your debt. Basically, you become a slave to them. So I'm looking forward to the day we don't owe China and we don't owe foreign countries, the day we get out of debt because we balance our budget; and it looks like it will take a balanced budget amendment to do that.

In the meantime, there is no treaty that would be violated, no trade agreement, no court order anywhere in the world that would prevent us from eliminating the 35 percent tariff that we put on all American-made goods before they're able to sell them abroad. It's called a 35 percent corporate tax, the largest corporate tax in the world. It's the number one reason that I've heard from CEOs as to why they moved their businesses to other countries.

So my two-page bill, the American Jobs Act—and I do appreciate the President promoting the American Jobs Act; that's my bill—reduces the 35 percent corporate tax to zero. Now, there are some people who never really got economics, and they don't understand the way the real world works. They think the real world works like CBO's archaic rules that say you can't take actual historic precedent to figure out what effect a bill will have.

Never mind even if the same result always occurs after a certain thing is done, you can't consider that because the 1974 liberal Congress that ran us out of Vietnam and left all our allies there to be killed by our enemies put in the rules for CBO to score bills. So you don't get a fair look at what really happens with CBO rules, and there are some people who think those rules are the way you have to look at things. The fact is, if you reduced the corporate tax, especially to zero, jobs would come flooding back into America.

Now, I would think unions would love this bill. If you really want union jobs back in America; if you're really willing to say, you know what, forget this business about America being nothing but a service economy, we really want manufacturing jobs back, then eliminate the 35 percent insidious tariff we put on American-made goods before they can be sold abroad.

As I've said here on the floor, I'm willing to negotiate, to be bipartisan. If the President can't bring himself to get to zero, then let's negotiate somewhere in between. We could do that. Herman Cain is talking about 9 percent. But then we have the President out there demanding that we pass his bill. Then he's saying things about it that simply are not factual, not factual at all. I know, because I read the bill. I'm very irritated with people who think the President's lying about his bill, because I believe I can prove he's not lying about his bill. He doesn't know what's in his bill. You can't lie about something you don't know, and I

believe I can prove the President is not a liar. Absolutely not.

He gave that speech in here on Thursday night. The next day, he's on the road condemning Congress for not passing his bill. There was no bill yet. Saturday, he's on the road condemning Congress for not passing his bill. There's no bill. He was still keeping that up all day Monday. Well, it wasn't until Monday that his bill got finished. There's no way he could keep giving those speeches every single day all over the country and have had the 6 or 7 hours I did between 11 p.m. to 5 or 6 a.m.—I've said five, but I was still going awhile—but at least the 6 hours that I took the night the bill came out to go through his bill. He hadn't had that time. There's no way the President could work that 6-hour schedule, or time in his schedule, to go through the bill like I did. There's no way to condemn the President for not knowing what's in his bill when he hasn't had time, when he's been too busy condemning Congress for not passing it. How could he know what was in it?

Then today, of course, we see the President's knocking the GOP leadership, and he's telling people on the campaign trail—let's see. This is an article from Yahoo! News, by Chris Moody:

President Obama is in Dallas today, urging Americans who support the American Jobs Act to demand that Congress pass it already.

Though it's been nearly a month since he laid out this plan, House Republicans haven't acted to pass it, and House Majority Leader Eric Cantor is out there actually bragging that they won't even put the jobs package up for a vote—ever.

It's not clear which part of the bill they now object to—building roads, hiring teachers, getting veterans back to work. They're willing to block the American Jobs Act, and they think you won't do anything about it.

Apparently, those are the President's words, according to the article, the best I understand this. Oh, this was the President's reelection campaign that sent out an email blasting House Republicans for not voting on the proposal.

It's just been in the last hour, while the President is condemning Republicans for not passing his bill, that Senate Minority Leader MITCH MCCONNELL, Republican of Kentucky, tried to force a vote on the President's plan in the upper Chamber on Tuesday afternoon; but REID used a procedural tactic to block the bill from coming to the floor. He called the Republicans' insistence on a vote a "publicity stunt." So the President hasn't had time to read the bill. He hasn't had time to find out who was really blocking his bill. Well, it turns out it's really HARRY REID in the Senate.

Based on the things the President has said, I know he hasn't read this, because I know the President would not be dishonest. When he's out there and has repeatedly said that we're going to make millionaires and billionaires pay their fair share, I know he wouldn't go out there and say that if he knew the

truth about what was in his bill, because in his bill at pages 134 and 135, it gives the definition of who's rich and who's going to get it socked to him.

The President has been saying repeatedly "millionaire and billionaire"; but bless his heart, if he had time to read the bill—and I hope somebody will carve out some time for him to do that. I know his speech schedule out there of condemning Congress has kept him tied up—but if they could work in some time for him to read his own bill and just stop condemning Congress for just a little bit and if he has enough time to get to page 135, he'll find out that the people he's going after that he says are millionaires and billionaires in his bill—and it's not a jobs bill.

□ 1630

Since I have used the name that the President was originally plugging, I think his bill would be better called "the saving Obama's job bill."

But that may not be fair either because if people really find out what's in this bill, I don't think they would be very happy. I'm not sure it saves his job.

But he defines millionaire and billionaire—right here on page 135—as any taxpayer whose adjusted gross income is above \$125,000 in the case of a married filing separately return, and that's \$250,000 in the case of a joint return, married filing jointly.

And here again this may be something nice he's throwing out for gay folks that are living together, so he can tell them actually you're better off not getting married, because there's some marriage penalty here. If you're the head of a single household, you've got an exemption of \$225,000; all other cases, \$200,000.

So it really penalizes married individuals and, apparently, according to this bill, a millionaire or a billionaire is somebody who makes \$125,000.

But if you think this is good news, if you want to get divorced, it is good news for you because if you're married and you're filing a joint return, you get a \$250,000 exemption. Or if you're married and filing singly, you get a \$125,000 exemption. The good news is, if you're thinking about divorce, you can actually get divorced and have a \$75,000 to \$100,000 higher exemption if you'll just get divorced, and you can even live together. This is the President's proposal: live together and you get a whole lot more of an exemption than if you're married.

Now, of course, the Founders, they all understood marriage to be between a man and a woman, and that's the way the history of the country has been. Study after study has shown that the odds are children will be better adjusted if they have the two-parent home, the traditional two-parent home. Obviously, there's some homes that aren't good and children are not well served there. But this President, by virtue of the power as the old saying, the power to tax, the power to de-

stroy, takes a shot at traditional, conventional marriage.

Then there is an additional AMT amount. That's subsection c, because if you are a millionaire or a billionaire, which means you make more than \$125,000 and you're married, there is an extra penalty for you that the President's got waiting for you in his so-called jobs bill.

I don't know if he's aware—I just don't see how he could be because he's been so busy out making speeches everywhere. But if you were to look, Mr. Speaker, at the stuff in here, well, he says it's about jobs; so I bet the President does not know that here at page 75, we've got a new Federal entity, although it's defined on page 76 as a private, nonprofit corporation, called the Public Safety Broadband Corporation, because this President believes there is danger in people having broadband in their home.

Can you really trust the American people? It has to be the theme of this part of the President's so-called jobs bill. Apparently, he thinks there's a public safety threat in broadband that people have coming into their home and business. So he's created this private, nonprofit corporation.

You might say, well, good, thank goodness it's not government; it's a private nonprofit corporation that will control everybody's broadband. Good news, is it?

Because when you look down at section 285, halfway down page 76, you see who's on the board of directors. And even though it's a private, nonprofit corporation, the board of directors is comprised of—the Federal members are the Secretary of Commerce, the Secretary of Homeland Security, Attorney General of the United States, the Director of the Office of Management and Budget. I believe those are all appointed by the President. How about that? But it's a private, nonprofit corporation; so surely the Federal Government wouldn't try to control it.

But the Secretary of Commerce, in consultation with the Secretary of Homeland Security and Attorney General, shall appoint 11 other individuals who serve as non-Federal members of the board.

Well, isn't that happy news? They're not really Federal even though the President's appointees are the ones that will be on the board with these folks. They'll owe their appointment to them.

But it's just interesting. I bet the President has no idea. And, of course, I know the President's aware of what a fiasco to our Federal budget Fannie Mae and Freddie Mac have been and the danger that it posed to our Federal economic system. Well, he's probably not aware that in here his bill creates—I'm sure there's no way he could know what's in this bill. He's too busy running around condemning us for not passing it. There's no way he could have spent 6 hours reading this, 6 to 7 hours, like I did.

Anyway, if you'll double-check, you'll find, Mr. Speaker, that page 40, whoever wrote this bill thinks Fannie Mae and Freddie Mac were a wonderful, wonderful thing. The Federal Government, insuring all these home loans and, then, of course, we pass laws.

I do remember our friend from Massachusetts (Mr. FRANK) assuring everybody that they're in good shape, not a problem. It turned out they weren't in good shape. He didn't know. Mr. FRANK wouldn't come down here and misrepresent something like that, I know. He wouldn't. He just didn't know, just like the President has no clue what all is in this bill.

But if he'll check at the bottom of page 40, he'll find the American Infrastructure Financing Authority says it's established as a wholly owned government corporation. So if you like Fannie Mae and Freddie Mac, you think they've done a great job, you're going to love this bill. It's like both of them combined, exponentially increased and put on steroids. Because we know houses, compared to infrastructure, don't cost all that much. But, boy, you compare them to infrastructure, man.

This has to be the thinking of whoever put this bill together, and I know it wasn't the President because he couldn't have put this together and gone around telling people things that are in it, not knowing this kind of stuff that is in it. But the American Infrastructure Financing Authority—and we could do that like we did the flood insurance. You know, the Federal Government says, well, we need a Federal player in the insurance business; so we provided a Federal option.

Well, guess what, the Federal Government runs in the red on the flood insurance. Private companies can't keep up with that, and so insurance companies quit providing flood insurance in those parts and the Federal Government became the insurer.

It's the same way with student loans. Banks, other lending institutions could lend money for student loans, and they were backed by the government. But under Speaker PELOSI and this President, HARRY REID, the Federal Government decided we're going to take over all the student loans.

□ 1640

Well, that creates a concern for some because if you're as outspoken as some of us are, I'm just grateful my daughter has just finished her college degree so I won't have to come begging to the President for a student loan so my children can go to college. Is that what we want? Is that where we want the infrastructure financing to go? Every school district, town, county, State has to come begging to the Federal Government because we run everybody else out of business, like we did student loans and flood insurance?

Surely the President doesn't know this is in here. This is not a jobs bill; it's a government takeover. Same with

the public safety broad band authority or corporation.

I bet a lot of folks don't know about the short time compensation program. It's a new program, never created before, but it's in the President's bill. The participation, it says, is involuntary. But if an employer under this program reduces hours worked by employees instead of laying them off, and that's anybody who has been reduced by at least 10 percent, then it says they're eligible for unemployment compensation. It gives out the terms for that. I bet the President doesn't know that's in there.

Now I have to agree with him, it is a jobs bill for plaintiff's lawyers because we have seen over and over a lot of states doing tort reform. It's more and more difficult to sue people. So we have got a new program here that will help with lawyers that are out of work because here in the bill, we've created a new class of protected individuals. So if you're unemployed and you get laid off, you ought to see a lawyer if you feel like you weren't hired because you're unemployed, because you can sue. You can file a claim, at least, against the employer that didn't hire you.

Now, a practical look at that provision, allowing employers to be sued if they fail to hire someone who is unemployed, would make employers—I've already heard from them—if that ends up in the law, I'm not going to be hiring anybody. I can't take a chance on being sued or having claims filed against me. If five people unemployed come in, four of them don't get the job and they all four file claims against me, I can't afford that.

So I think once the President ever gets to look at his bill, then he'll understand this is not what he's thinking it is.

And, of course, he's promised America we're going after major oil companies. There is no way this President could know that page 151–154, the part that goes after oil companies, will not affect his friends at British Petroleum, Exxon, Shell. They won't be affected because the most important deductions that are repealed here are only for smaller producers, the independent producers who drill 94 percent of all the oil and gas wells on the land of the continental U.S. There's no way he could know that, even if he read this, unless he really understood the oil and gas industry.

So what he'll do, he drives up the capital for companies trying to drill wells, and this will be a disaster unless you're a major oil company, in which case you'll make more profit than you've ever made because you kill off all of the independent competition. That's what his bill does, and I'm sure he doesn't know that.

Now, they have also been out there blaming Republicans for increasing the debt. This was in an article. We've got it up on the House Web site so people can really see what has happened. It's

a great article from the Atlanta Journal Constitution. This is one of the diagrams. It shows who really increased the debt. We know from the Constitution that it is the Congress that holds the purse strings. So really the one responsible, most responsible, is the Congress. And who's most responsible, the biggest, most powerful body is controlled by the Speaker; you, Mr. Speaker—that is while you're pro tempore. This shows the increase in debt as a percentage of GDP. And we see what happened under Speaker O'Neill. We see what happened under Speaker Jim Wright. Didn't really increase much in debt as a percentage of GDP. Under Speaker Foley, it increased a great deal. And actually under Speaker Gingrich and Speaker Hastert, debt as a percentage of GDP, it went way down. And then we got the last 4 years with Speaker PELOSI, and it went through the roof like has never happened in this country's history.

Well, I hope I have provided an adequate defense to those who would say that the President is misrepresented because I think I've got proof. The President didn't lie about any of this stuff. He hasn't had time to read it. He doesn't know what's in it. I hope and pray that he'll take the time to do that so he can accurately represent the saving Obama's job bill, and I appreciate the President's support for the American Jobs Act, which bill is mine.

I yield back the balance of my time.

#### FLOODS DEVASTATE PENNSYLVANIA

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the gentleman from Pennsylvania (Mr. BARLETTA) is recognized for 30 minutes.

Mr. BARLETTA. Mr. Speaker, on September 7, 8, and 9, the Susquehanna River and some of its tributaries, swollen by the remnants of Tropical Storm Lee, overflowed their banks. This happened shortly after northeastern Pennsylvania was soaked by Hurricane Irene, which brought local rivers and creeks to their banks. So when Tropical Storm Lee moved in over my district, the results were catastrophic. In some communities, the floodwaters came quickly. Creeks raged out of control. Homes were swept off their foundations and toppled into muddy pits. Roads were washed away.

In other communities, the water rose more slowly, but it did no less damage. I was there in the town of Duryea, Pennsylvania, when the Lackawanna River topped the small levee and began flooding homes. It was like watching someone fill an aquarium, although this was much, much more destructive.

I spent many days in September traveling across my district to see firsthand the devastation caused by this flooding. It's hard to describe exactly what it looks like. Think of everything you have on the first floor of your home—your couch, reclining chairs,

your refrigerator, your stove, your dishwasher, your television. Maybe you have a bedroom on the first floor—your mattress, your dresser. Then think of everything you have in your basement—a washer, a drier, your furnace, your hot water heater, your winter clothing. Now imagine all of that on the sidewalk ready for a dumpster because it is soaked with river water. It's dirty with river mud. And it's contaminated by whatever else flowed into the river when the water rose.

But go beyond these possessions. Think of photographs on your walls and on your end tables. Think of your children's toys in the basement. Think of the mementos, family treasures handed down to you by your parents and your grandparents. Now imagine all of that on the sidewalk, too. But it's not just your house. It's your neighbor's house next door and the house across the street, and all of those houses up and down your street. Imagine entire neighborhoods—block after block of destruction. And imagine the smell of it—wet fabric, spoiled food, spilled fuel oil, raw sewage, and mud. Mud 2 feet deep in basements and covering lawns and filling swimming pools.

That is what I experienced. That is what my constituents experienced. It's what they're continuing to cope with as they try to rebuild.

I will never forget standing in a ruined living room with a woman in West Nanticoke. Most of her belongings were piled on the street in front of her home. She wept as she told me that both her husband and son died in the last 6 months. During this flooding, she lost almost everything she owned. Think about that. She lost her husband. She lost her son. She lost most of her belongings. She lost her home. All in 6 months. The loss is just incredible.

I've seen children console their parents, saying, Mommy, don't cry.

In Shickshinny, a mother pointed to a leather jacket and remembered the first time her daughter wore it. She broke down as she told me she hoped her grandchild would wear it some day. It, too, was ruined and had to be thrown away.

□ 1650

An old black-and-white photograph of a woman sat on a pile of belongings in front of a home in West Pittston. The surface of the photo was covered in muddy streaks as the owner tried to save it. But she couldn't save it from the mud. It had to be thrown away. Another memory lost.

In Bloomsburg, a family stayed in their home to try to move their possessions to an upper floor, but Fishing Creek rose too quickly. The house next to theirs was knocked from its foundation. Water started gushing through their front windows as they called for help. They had to be saved by a helicopter. The woman there told me that she could never live in that home again.

A woman near Orangeville cried as she told me her neighbor's house, carried by the same raging creek, smashed into hers, demolishing a lifetime of memories.

An elderly man in Duryea broke down as he told me how much time and money he put into making his house a home for his family only to see it all ruined by high water.

In Exeter, borough officials made a gut-wrenching decision. They hauled in 200 truckloads of dirt and created a makeshift dyke right down the middle of a residential street. Several dozen homes were saved, but dozens more were ruined.

Scenes like these were repeated hundreds, thousands of times in town after town in northeastern Pennsylvania.

If all of these damaged homes and businesses were in one city, it would make the evening news every day. But the damage sustained by my constituents is spread out over miles of the Susquehanna River basin. The scope of this damage goes far beyond what the local and State governments can fix on their own. The Federal Government must step in.

Mr. Speaker, I ask, What are we going to do to make these people's lives whole again?

Officials from the Federal Emergency Management Agency have told my constituents what they will receive for their losses. It's about what it costs for an American family to buy a decent car nowadays. That's for all of their furniture. That's for all of their clothes, for all of their treasured belongings. For many of my constituents, it's not nearly enough.

I remember standing in front of one family's home which had river water flowing more than a foot deep up on its second floor. Most of this family's possessions were piled on to the sidewalk. Some were dripping wet. The mother looked at her children's toys ruined by the flood. She pointed to one little toy and said, How can the government put a price on that? My son played with that. Those are memories. How can you put a price on that?

She's right. We cannot put a price tag on memories. But the Federal Government can and should do more for our neighbors. I know that in these budget-conscious times we worry about offsets to increases in any other spending. I also know we can find some duplicative program, some excessive spending, some additional funding somewhere in the vast Federal budget and provide more help for flood victims.

The United States of America is one of the most generous and compassionate countries when it comes to providing global aid. This government has no problem sending money overseas to build roads, bridges, hospitals, and schools in foreign countries. When disaster strikes anywhere in the world, the United States is the first country to help rebuild. But now that a disaster occurred right here in our own back-

yard, we need to start rebuilding here first. Let's help Americans first.

We must restore American lives, save American businesses, and protect American jobs. At a time when we're so focused on creating jobs and helping businesses, the United States Small Businesses Administration will offer disaster recovery loans at 6 percent—that's right, 6 percent—and that rate is if the business owners can get credit elsewhere. That is not acceptable.

I talked to dozens of business owners in Luzerne and Columbia Counties who have lost everything: their shops, their inventories, their fixtures, and their equipment. A small business owner in Jenkins Township said he's not sure he can recover after suffering more than \$7 million in flood losses. He doesn't know if he's going to rebuild and reopen or maybe close his doors forever. I don't know any business owner in my district who thinks a 6 percent government disaster recovery loan will help them get back on their feet.

My district has one of the highest unemployment rates in the State and a rate higher than the national average. The people of the Eleventh District in northeastern Pennsylvania need their jobs. We can't afford for these businesses to close. For the SBA to offer a ridiculously high interest rate in the name of disaster relief to these business owners is downright insulting. What rate do we charge foreign countries when we rebuild their infrastructure? The answer is zero. We don't charge foreign countries any interest. The money they receive from the United States is a giveaway.

This government gave 215 million interest-free dollars for flood relief to Pakistan, a country that harbored Osama bin Laden, and it's charging American homeowners and American business owners interest rates on loans they're using to rebuild. That's wrong.

We must take a serious look at how the interest rate for SBA disaster recovery loans are calculated. That's why I introduced the Disaster Loan Fairness Act of 2011, H.R. 3042. This bill would set the interest rate for all recovery loans—home disaster loans, business physical disaster loans, and economic injury disaster loans—at 1 percent for the life of the loan up to 30 years. The rate would be effective for Presidentially declared major disasters, and the 1 percent interest rate is retained merely to pay administrative costs for the program.

This bill would not cause the government to spend any additional money. It would mean the Federal Government takes in less in interest from disaster recovery loans. But can anyone honestly say that providing disaster recovery loans for American homeowners and American businesses should be a moneymaking operation?

I strongly encourage my colleagues to support H.R. 3042, the Disaster Loan Forgiveness Act. Give Americans a low interest rate and help them recover.

While my neighbors in northeastern Pennsylvania recover and rebuild,

they're also asking what steps are being taken to protect them in the future. This is the role of the Federal Government. We must make sure disaster of this scale does not happen to these people again.

First, the Army Corps of Engineers must complete a comprehensive study of the Susquehanna River basin in my district. After the flooding caused by Hurricane Agnes in 1972, the Corps built massive levees to protect the most populated areas of the Eleventh District. Those levees protected thousands of homes and businesses. But many people believe they also funneled walls of floodwater into unprotected areas upriver and downriver. Some of those residents were told they didn't need to buy flood insurance because they don't live in a floodplain. As these people struggle to rebuild their lives today, they want to know if the floodplain has changed.

My constituents deserve to know what role, if any, these new flood walls played during this event. What is known is that some communities were devastated because they lacked adequate flood protection. For 40 years, the town of Bloomsburg has been asking for flood protection. There is a plan to provide it, but the Corps of Engineers will not fund it because it does not meet an arbitrary benefit-to-cost ratio, the BCR. Now, because of the lack of adequate flood protection in Bloomsburg, 1,000 jobs are on the verge of being lost.

Two of Columbia County's largest employers sit in the floodplain. When Fishing Creek and the Susquehanna River flood, these employers not only have to shut down production, but they also have to move equipment. That costs them hundreds of thousands of dollars. During this flood event, more than 6 feet of water poured through their shops, destroying equipment and inventory. At a time when we're talking about how to create jobs, we're not doing enough to protect these.

□ 1700

What is the negative benefit-to-cost ratio of the Bloomsburg Flood Protection project if we lose these jobs? What happens to this town, this county, and my district if we lose 1,000 jobs? That's just one component to the Bloomsburg project.

This year, about one-third of the buildings in that town were flooded, one-third of an entire town. Worse, the Bloomsburg Fair—one of the largest economic drivers for the town, the county, and dozens of community and charity groups—had to be canceled for the first time since the Civil War due to the epic flooding.

What happened to Bloomsburg could have been prevented. The Federal Government dropped the ball. It failed to protect homes and businesses. We need to make sure that it doesn't happen again, not to Bloomsburg, and not to other communities along the Susquehanna that need protection.

Sadly, for some of the people I've spoken with, flood protection will come too late. Some of my constituents have told me that they will not move back into their homes. The great flood of 2011 was just the latest in a long line of floods that they've had to endure. They're tired of picking up the pieces of their shattered lives. Some in fact were in the process of being bought out by the government when this flood hit. Now they're in limbo, unsure of whether to accept Federal aid or if accepting help would jeopardize their pending buyouts.

This Congress needs to look at the buyout process. I fear it is too confusing, it takes too long, and it discourages people from trying to receive the help they need.

Mr. Speaker, over the last several weeks, I have seen terrible destruction and hardship endured by my constituents. But I've also seen tremendous good, as neighbors help stricken neighbors, community groups banded together, charities mobilized quickly and effectively. In Plymouth Township, I met Red Cross volunteers from Michigan who made the trip to northeastern Pennsylvania to help people that they had never met.

In Bloomsburg, I visited AGAPE, a local ministry that provided flood victims with everything from cleanup buckets to hot meals. Church groups, scout troops, college clubs, sports teams, people from all across northeastern Pennsylvania and beyond came together to support each other. The recent flood was a terrible disaster, but it also brought out the best in our people.

As I was driving through West Pittston, a small borough that was absolutely devastated by flooding, I saw a sign on a front porch: "The Valley with a Heart. Thank You."

My constituents were knocked down, but not out. The people of northeastern Pennsylvania are strong and resilient, but they need help from the Federal Government; and the Federal Government needs to help them. If they get that help, my neighbors will come back stronger and better than before.

Mr. Speaker, I yield back the balance of my time.

#### LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. CRENSHAW (at the request of Mr. CANTOR) for Monday on account of attending a family funeral.

#### ADJOURNMENT

Mr. BARLETTA. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 4 minutes p.m.), under its previous order, the House adjourned until tomorrow, Wednesday, October 5, 2011, at 10 a.m. for morning-hour debate.

#### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

3329. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Atrazine, Chloroneb, Chlorpyrifos, Clofencent, Endosulfan, et al; Tolerance Actions [EPA-HQ-OPP-2011-0104; FRL-8883-9] received September 12, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3330. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Sulfur Dioxide; Pesticide Tolerances for Emergency Exemptions [EPA-HQ-OPP-2011-0684; FRL-8887-2] received September 12, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3331. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — 2,4-D; Pesticide Tolerances [EPA-HQ-OPP-2010-0905; FRL-8881-7] received September 12, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3332. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Chromobacterium subsugae strain PRAA4-1T; Exemption from the Requirement of a Tolerance [EPA-HQ-OPP-2010-0054; FRL-8887-4] received September 12, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3333. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Dicamba; Pesticide Tolerances [EPA-HQ-OPP-2010-0496; FRL-8881-6] received September 12, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3334. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Flubendiamide; Pesticide Tolerances; Technical Amendment [EPA-HQ-OPP-2007-0099; FRL-8870-8] received September 12, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3335. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Lipase, Triacylglycerol; Exemption from the Requirement of a Tolerance [EPA-HQ-OPP-2010-0271; FRL-8882-4] received September 12, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3336. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Mandipropamid; Pesticide Tolerances for Emergency Exemptions [EPA-HQ-OPP-2011-0639; FRL-8886-8] received September 12, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3337. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Novaluron; Pesticide Tolerances [EPA-HQ-OPP-2010-0466; FRL-8882-1] received September 12, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3338. A letter from the Director, Regulatory Management Division, Environmental

Protection Agency, transmitting the Agency's final rule — National Priorities List, Final Rule No. 52 [EPA-HQ-SFUND-2002-0001; EPA-HQ-SFUND-2010-0640 and 0641, EPA-HQ-SFUND-2011-0057, 0058, 0061, 0062, 0065, 0066, 0070, 0072, 0074, 0076, 0077, and 0078, FRL-9464-6] (RIN: 2050-AD75) received September 12, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3339. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; Texas; Revisions to Permits by Rule and Regulations for Control of Air Pollution by Permits for New Construction or Modification [EPA-R06-OAR-2011-0426; FRL-9463-6] received September 12, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3340. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Ohio and West Virginia; Determinations of Attainment of the 1997 Annual Fine Particle Standard for Four Nonattainment Areas [EPA-R05-OAR-2010-0393; FRL-9463-1] received September 12, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3341. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; West Virginia; Revised Motor Vehicle Emission Budgets for the Charleston, Huntington, Parkersburg, Weirton, and Wheeling 8-Hour Ozone Maintenance Areas [EPA-R03-OAR-2011-0511; FRL-9462-6] received September 12, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3342. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plan; Utah; Maintenance Plan for the 1-Hour Ozone Standard for Salt Lake County and Davis County [EPA-R08-OAR-2011-0719; FRL-9460-6] received September 12, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3343. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Designation of Hazardous Substances; Designation, Reportable Quantities, and Notification [EPA-HQ-SFUND-2011-0565; FRL-9460-9] received September 12, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3344. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Findings of Failure to Submit a Complete State Implementation Plan for Section 110(a) Pertaining to the 2006 Fine Particulate Matter (PM<sub>2.5</sub>) NAAQS [EPA-HQ-OAR-2011-0747; FRL-9460-4] received September 12, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3345. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Interim Final Determination to Stay and Defer Sanctions, San Joaquin Valley Unified Air Pollution Control District [EPA-R09-OAR-2011-0733; FRL-9462-1] received September 12, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3346. A letter from the Director, Regulatory Management Division, Environmental



Protection Agency, transmitting the Agency's final rule — Interim Final Determination to Stay and Defer Sanctions, San Joaquin Valley Unified Air Pollution Control District [EPA-R09-OAR-2011-0701; FRL-9462-5] received September 12, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3347. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Revision to the California State Implementation Plan; Yolo-Solano Air Quality Management District [EPA-R09-OAR-2011-0594; FRL-9456-6] received September 12, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3348. A letter from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Revision of the Commission's Program Carriage Rules Leased Commercial Access; Development of Competition and Diversity in Video Programming Distribution and Carriage [MB Docket No.: 11-131] [MB Docket No.: 07-42] received August 30, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3349. A letter from the Chief, Revenues and Receivables Group, Federal Communications Commission, transmitting the Commission's final rule — Assessment and Collection of Regulatory Fees for Fiscal Year 2011 [MB Docket No.: 11-76] received September 8, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3350. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 19-154, "Income Tax Secured Bond Authorization Act of 2011"; to the Committee on Oversight and Government Reform.

3351. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 19-97, "Ward Redistricting Amendment Act of 2011"; to the Committee on Oversight and Government Reform.

3352. A letter from the Acting Assistant Secretary for Fish & Wildlife & Parks, Department of the Interior, transmitting the Department's final rule — 2011-2012 Refuge-Specific Hunting and Sport Fishing Regulations [Docket No.: FWS-R9-NSR-2011-0038] (RIN: 1018-AX54) received September 6, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

## PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. YOUNG of Indiana:

H.R. 3085. A bill to terminate the Transportation Enhancement Program and transfer the funding dedicated to such program to carry out the most critical emergency transportation projects identified by the Secretary of Transportation, after consultation with State and local transportation officials; to the Committee on Transportation and Infrastructure.

By Mr. STEARNS (for himself and Mr. BISHOP of New York):

H.R. 3086. A bill to phase out special wage certificates under the Fair Labor Standards Act of 1938 under which individuals with disabilities may be employed at subminimum wage rates; to the Committee on Education and the Workforce.

By Mr. BUCHANAN (for himself, Mr. THOMPSON of California, Ms. BERKLEY, Mr. MICA, Mr. BURTON of Indi-

ana, Mr. REED, Mr. CARSON of Indiana, Mr. WALBERG, Mr. MCHENRY, Mr. DIAZ-BALART, Mr. SESSIONS, Mr. WESTMORELAND, Mr. HURT, Mr. POSEY, and Mr. MANZULLO):

H.R. 3087. A bill to amend the Internal Revenue Code of 1986 to make permanent the depreciation classification of motorsports entertainment complexes; to the Committee on Ways and Means.

By Mr. LEWIS of Georgia (for himself, Mr. TOWNS, Mr. FILNER, Ms. LEE of California, Mr. RANGEL, Mr. JACKSON of Illinois, Mr. CONYERS, Ms. WOOLSEY, Mr. GRIJALVA, Mr. MCDERMOTT, Mrs. CHRISTENSEN, Ms. JACKSON LEE of Texas, Mr. STARK, and Mr. PAYNE):

H.R. 3088. A bill to direct the Secretary of Defense to post on the public website of the Department of Defense the cost to each American taxpayer of each of the wars in Afghanistan, Iraq, and Libya; to the Committee on Armed Services.

By Mr. MURPHY of Connecticut:

H.R. 3089. A bill to authorize the Administrator of the Federal Emergency Management Agency to make grants to local governments for flood mitigation projects, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. POMPEO:

H.R. 3090. A bill to terminate the Economic Development Administration, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ROSKAM:

H.R. 3091. A bill to make permanent the individual income tax rates for capital gains and dividends; to the Committee on Ways and Means.

By Mr. WELCH:

H.R. 3092. A bill to conduct a pilot program in support of efforts to increase the amount of purchases of local fresh fruits and vegetables for schools and service institutions by giving certain States the option of receiving a grant from the Secretary of Agriculture for that purpose instead of obtaining commodities under Department of Agriculture programs; to the Committee on Education and the Workforce, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HENSARLING:

H. Res. 420. A resolution electing certain Members to certain standing committees; considered and agreed to.

By Mr. HASTINGS of Florida (for himself, Mr. WEST, and Mr. DEUTCH):

H. Res. 421. A resolution commemorating the city of Delray Beach, Florida, on its 100th anniversary; to the Committee on Oversight and Government Reform.

## PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mr. ANDREWS introduced a bill (H.R. 3093) for the relief of Dmitry Efimovich Lyusin; which was referred to the Committee on the Judiciary.

## CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representa-

tives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Mr. YOUNG of Indiana:

H.R. 3085.

Congress has the power to enact this legislation pursuant to the following:

The Commerce Clause

By Mr. STEARNS:

H.R. 3086.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3

The Congress shall have Power \* \* \* To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes.

By Mr. BUCHANAN:

H.R. 3087.

Congress has the power to enact this legislation pursuant to the following:

The constitutional authority on which this joint resolution rests is the power of Congress as enumerated in Article I, Section 8 of the United States Constitution.

By Mr. LEWIS of Georgia:

H.R. 3088.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article I of the United States Constitution and its subsequent amendments, and further clarified and interpreted by the Supreme Court of the United States.

By Mr. MURPHY of Connecticut:

H.R. 3089.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8

By Mr. POMPEO:

H.R. 3090.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8

By Mr. ROSKAM:

H.R. 3091.

Congress has the power to enact this legislation pursuant to the following:

Congress has the power to enact this legislation pursuant to Article I, Section 8, which states "The Congress shall have Power To lay and collect Taxes," and Article I, Section 7, which states "All Bills for raising Revenue shall originate in the House of Representatives."

By Mr. WELCH:

H.R. 3092.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8—The Congress shall have Power—To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by the Constitution in the Government of the United States, or in any Department or Officer thereof.

Mr. ANDREWS:

H.R. 3093.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 4, and Amendment 1 Clause 3, of the Constitution.

## ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 85: Ms. BORDALLO.

H.R. 111: Mr. LOBIONDO, Ms. HOCHUL, and Ms. HAHN.

H.R. 178: Mr. MCINTYRE.

H.R. 181: Mr. FORTENBERRY.

- H.R. 186: Mr. CONNOLLY of Virginia.  
H.R. 190: Mr. KUCINICH, Ms. KAPTUR, and Mr. COHEN.  
H.R. 191: Ms. SPEIER.  
H.R. 306: Ms. SUTTON.  
H.R. 360: Mr. WESTMORELAND.  
H.R. 374: Mr. JOHNSON of Ohio.  
H.R. 416: Ms. HAHN.  
H.R. 420: Mr. SENSENBRENNER.  
H.R. 453: Mr. KIND.  
H.R. 466: Ms. HAYWORTH and Mr. DAVID SCOTT of Georgia.  
H.R. 527: Mr. BROOKS.  
H.R. 615: Mr. GIBSON.  
H.R. 634: Mr. GOSAR.  
H.R. 639: Mr. CLYBURN, Ms. DEGETTE, Mr. DEUTCH, Mr. PERLMUTTER, Mr. PITTS, Mr. DAVID SCOTT of Georgia, and Mr. SERRANO.  
H.R. 654: Mr. BLUMENAUER.  
H.R. 663: Mr. BURGESS.  
H.R. 668: Mr. HULTGREN, Mrs. MALONEY, Mr. GOSAR, and Mr. FORTENBERRY.  
H.R. 721: Mr. COURTNEY and Mr. JONES.  
H.R. 735: Mr. KELLY, Mr. WEST, and Mr. LATHAM.  
H.R. 743: Mr. COHEN and Mr. FRANKS of Arizona.  
H.R. 835: Ms. TSONGAS and Mr. GUTIERREZ.  
H.R. 854: Mr. JONES, Mr. WEST, and Mr. OWENS.  
H.R. 886: Mr. BENISHEK, Mr. BUCSHON, Mr. CICILLINE, Mr. HARRIS, Mrs. HARTZLER, Mr. HECK, Mr. POMPEO, Mr. RUNYAN, and Mrs. ROBY.  
H.R. 890: Ms. HAHN, Mr. WOLF, and Mr. WESTMORELAND.  
H.R. 894: Mr. WELCH and Mr. QUIGLEY.  
H.R. 930: Ms. SLAUGHTER.  
H.R. 933: Mr. GUTIERREZ.  
H.R. 938: Mr. SABLAN.  
H.R. 1006: Mr. HOLDEN.  
H.R. 1057: Ms. DELAURO and Mr. VAN HOLLEN.  
H.R. 1166: Mr. STEARNS.  
H.R. 1167: Mr. GRIFFIN of Arkansas and Mr. NUNNELEE.  
H.R. 1173: Mr. PALAZZO.  
H.R. 1179: Ms. BORDALLO, Mr. LANDRY, Mr. CASSIDY, Mr. HECK, Mr. DUFFY, and Mr. CRAWFORD.  
H.R. 1182: Mr. ROE of Tennessee.  
H.R. 1206: Mr. SCOTT of South Carolina.  
H.R. 1235: Mr. JOHNSON of Ohio and Mr. WESTMORELAND.  
H.R. 1259: Mr. CASSIDY, Mr. NUGENT, and Mr. ADERHOLT.  
H.R. 1284: Ms. KAPTUR.  
H.R. 1366: Mr. HOLDEN.  
H.R. 1394: Mr. GARAMENDI, Mr. CLAY, and Mr. CLARKE of Michigan.  
H.R. 1418: Mr. COBLE and Mr. LARSON of Connecticut.  
H.R. 1463: Mr. KINZINGER of Illinois.  
H.R. 1489: Mr. CLAY and Mr. THOMPSON of Mississippi.  
H.R. 1498: Mrs. DAVIS of California.  
H.R. 1505: Mr. GIBSON.  
H.R. 1511: Mr. CANSECO.  
H.R. 1513: Mr. POLIS.  
H.R. 1558: Mr. SENSENBRENNER, Mr. GIBSON, Mr. WEST, and Mr. WALSH of Illinois.  
H.R. 1571: Mr. WALSH of Illinois.  
H.R. 1620: Mr. WITTMAN.  
H.R. 1623: Mr. CONYERS and Ms. HAHN.  
H.R. 1639: Mr. TOWNS and Mr. GUTHRIE.  
H.R. 1653: Mr. MANZULLO and Mr. LATHAM.  
H.R. 1659: Mr. ISRAEL, Mr. PASCRELL, Mr. TOWNS, and Mr. GUTHRIE.  
H.R. 1666: Mr. LOESACK.  
H.R. 1672: Mr. TONKO and Ms. TSONGAS.  
H.R. 1675: Mr. ALEXANDER.  
H.R. 1681: Mr. DEUTCH, Ms. LINDA T. SANCHEZ of California, and Mr. DOGGETT.  
H.R. 1700: Mr. POSEY.  
H.R. 1704: Mr. MCGOVERN and Mr. WALZ of Minnesota.  
H.R. 1717: Ms. SLAUGHTER.  
H.R. 1722: Mr. GRIJALVA and Ms. MATSUI.  
H.R. 1738: Mr. YOUNG of Alaska and Mr. MCDERMOTT.  
H.R. 1744: Mr. PENCE and Mr. BARTLETT.  
H.R. 1776: Mr. FILNER and Mr. HOLT.  
H.R. 1803: Mr. GIBSON.  
H.R. 1834: Mr. NUNNELEE, Mr. JOHNSON of Ohio, Mr. MILLER of Florida, and Mr. ROE of Tennessee.  
H.R. 1845: Ms. DEGETTE.  
H.R. 1847: Mr. PRICE of North Carolina.  
H.R. 1867: Mrs. MCCARTHY of New York.  
H.R. 1905: Mr. BASS of New Hampshire, Ms. SLAUGHTER, Mr. YARMUTH, and Mr. DICKS.  
H.R. 1912: Mr. DEUTCH.  
H.R. 1956: Mr. MARCHANT.  
H.R. 1957: Mr. TIBERI.  
H.R. 1965: Mr. NEUGEBAUER and Mr. DOLD.  
H.R. 1985: Mr. MORAN.  
H.R. 1996: Mr. GRAVES of Georgia, Mr. NEUGEBAUER, and Mr. NUNNELEE.  
H.R. 1997: Mr. GRIFFITH of Virginia.  
H.R. 2004: Mr. FALEOMAVAEGA, Mr. COURTNEY, and Mr. MURPHY of Connecticut.  
H.R. 2020: Mr. HANNA, Mr. LEWIS of Georgia, Mr. CARSON of Indiana, Mr. ROE of Tennessee, and Ms. FUDGE.  
H.R. 2046: Ms. RICHARDSON and Mr. AL GREEN of Texas.  
H.R. 2059: Mr. HUELSKAMP, Mr. KING of New York, Mr. LATTI, Mr. BUCSHON, Mr. JOHNSON of Ohio, Mr. KING of Iowa, Mr. GARRETT, Mr. PENCE, Mr. KLINE, Mr. LAMBORN, Mr. PALAZZO, Mr. MCINTYRE, Mr. POSEY, Mr. SCALISE, Mr. PETERSON, Mr. RIVERA, and Mr. ROSKAM.  
H.R. 2063: Mr. CONYERS.  
H.R. 2082: Mr. PASCRELL.  
H.R. 2108: Mr. RUNYAN.  
H.R. 2131: Mr. LOESACK.  
H.R. 2167: Ms. HAYWORTH, Mr. ACKERMAN, and Mr. DOLD.  
H.R. 2195: Mr. PETRI, Mr. MICHAUD, and Ms. MOORE.  
H.R. 2248: Mr. CICILLINE.  
H.R. 2252: Mr. PLATTS.  
H.R. 2267: Mr. SMITH of New Jersey, Mr. LUJÁN, Mr. RAHALL, Mr. DENT, Mr. TIBERI, Mr. CONNOLLY of Virginia, Mr. MICHAUD, Ms. SLAUGHTER, Mr. MCGOVERN, Mr. TOWNS, Mr. OWENS, and Ms. BORDALLO.  
H.R. 2287: Mr. KISSELL.  
H.R. 2337: Mr. BUTTERFIELD, Ms. BORDALLO, Ms. SLAUGHTER, Mr. HINCHEY, Mr. CLAY, Mr. SMITH of Washington, Mr. PRICE of North Carolina, Mrs. MCCARTHY of New York, Mr. DANIEL E. LUNGREN of California, Ms. KAPTUR, Mr. KLINE, Mr. PERLMUTTER, and Mr. OWENS.  
H.R. 2346: Mr. BLUMENAUER.  
H.R. 2369: Mrs. BLACKBURN, Ms. ZOE LOFGREN of California, and Mr. PIERLUISI.  
H.R. 2394: Ms. WILSON of Florida and Ms. JACKSON LEE of Texas.  
H.R. 2412: Mr. STARK.  
H.R. 2443: Mr. RIGELL.  
H.R. 2446: Mr. DAVID SCOTT of Georgia and Mr. POSEY.  
H.R. 2447: Mr. DAVIS of Kentucky, Mr. BILLRAKIS, Mr. AKIN, Mr. BROUN of Georgia, Mr. WELCH, Mr. GOWDY, Mr. WOMACK, Mrs. EMERSON, Mr. SHIMKUS, Mr. MURPHY of Pennsylvania, Mr. KLINE, Mr. WESTMORELAND, Mr. SCOTT of Virginia, Mr. LEWIS of Georgia, Mr. PEARCE, Mr. GRIJALVA, Mr. RUNYAN, Ms. LINDA T. SANCHEZ of California, Mr. DEUTCH, Mr. ROE of Tennessee, and Mr. DANIEL E. LUNGREN of California.  
H.R. 2459: Mr. NUNNELEE.  
H.R. 2471: Mr. CHAFFETZ and Mr. LATTI.  
H.R. 2492: Mr. COURTNEY, Mrs. CAPPS, Mr. BLUMENAUER, Mr. LOBIONDO, Mr. SHUSTER, and Mr. DEUTCH.  
H.R. 2500: Mr. LATTI.  
H.R. 2513: Ms. WOOLSEY and Ms. ZOE LOFGREN of California.  
H.R. 2528: Mr. KLINE.  
H.R. 2541: Mr. DUNCAN of South Carolina and Mr. NUNNELEE.  
H.R. 2547: Mr. CICILLINE.  
H.R. 2602: Ms. EDDIE BERNICE JOHNSON of Texas.  
H.R. 2632: Mr. SIRE.  
H.R. 2689: Ms. ZOE LOFGREN of California.  
H.R. 2706: Mr. DIAZ-BALART.  
H.R. 2750: Mr. KILDEE.  
H.R. 2813: Mr. COURTNEY.  
H.R. 2815: Mr. KINZINGER of Illinois.  
H.R. 2829: Mr. KING of Iowa, Mr. KINZINGER of Illinois, Mr. RIBBLE, Mr. GARDNER, and Mr. DENT.  
H.R. 2853: Ms. CHU.  
H.R. 2865: Mr. DUNCAN of South Carolina.  
H.R. 2870: Mr. GOWDY.  
H.R. 2884: Mr. CARSON of Indiana.  
H.R. 2904: Mr. HANNA.  
H.R. 2920: Ms. BASS of California, Ms. CHU, Mr. RICHMOND, Mr. CARSON of Indiana, Ms. FUDGE, Mr. BUTTERFIELD, Ms. HANABUSA, Ms. SEWELL, Mr. JACKSON of Illinois, Mr. DAVIS of Illinois, Mr. PAYNE, Mr. ELLISON, Mr. CICILLINE, Ms. WILSON of Florida, Ms. HAHN, Mr. CLAY, Mr. CLEAVER, Ms. JACKSON LEE of Texas, Mr. AL GREEN of Texas, Mrs. CHRISTENSEN, Ms. KAPTUR, Ms. LEE of California, and Mr. CONYERS.  
H.R. 2930: Mr. SCHWEIKERT.  
H.R. 2940: Mr. DOLD and Ms. HAYWORTH.  
H.R. 2945: Mr. LONG, Mr. WESTMORELAND, Mr. CHAFFETZ, and Mr. PENCE.  
H.R. 2955: Mr. JONES.  
H.R. 2966: Ms. MOORE, Mr. DEUTCH, Mr. SERRANO, Mr. POLIS, and Ms. SPEIER.  
H.R. 2970: Mr. CARNAHAN, Mr. PETERSON, Mr. LANCE, and Mr. HOLT.  
H.R. 2973: Mr. BISHOP of Utah.  
H.R. 2981: Mr. GRIJALVA and Mr. FILNER.  
H.R. 2985: Mr. ROE of Tennessee, Mr. MURPHY of Connecticut, Mr. WESTMORELAND, Mr. HINOJOSA, Mr. FORTENBERRY, Mrs. HARTZLER, Mr. LONG, Mr. MICHAUD, and Mr. CARSON of Indiana.  
H.R. 2994: Mr. TONKO.  
H.R. 3003: Mr. ISRAEL, Mr. BURGESS, and Mr. HASTINGS of Florida.  
H.R. 3005: Mr. OWENS and Mr. OLVER.  
H.R. 3015: Mr. CONYERS.  
H.R. 3059: Mr. BACHUS, Mrs. ROBY, and Mr. CARTER.  
H.R. 3065: Mr. BUCSHON, Mr. OWENS, and Mr. KINZINGER of Illinois.  
H.R. 3069: Mr. DICKS, Mr. SIMPSON, Mr. WALDEN, Ms. HERRERA BEUTLER, and Mr. SCHRADER.  
H.R. 3073: Mr. SHERMAN.  
H. Con. Res. 72: Ms. HAHN and Mr. PAYNE.  
H. Con. Res. 77: Mr. MARINO.  
H. Res. 111: Mr. GARDNER, Ms. ZOE LOFGREN of California, Ms. DELAURO, Mr. CAMP, and Mr. REBERG.  
H. Res. 137: Mr. CLARKE of Michigan, Ms. HOCHUL, and Mr. DAVIS of Illinois.  
H. Res. 177: Mr. CUMMINGS.  
H. Res. 220: Mrs. MCCARTHY of New York.  
H. Res. 367: Mr. FRELINGHUYSEN.  
H. Res. 378: Mr. LIPINSKI, Mr. HEINRICH, and Mr. BENISHEK.  
H. Res. 394: Mr. LAMBORN and Mr. KING of Iowa.  
H. Res. 407: Ms. NORTON.

## AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 2250

OFFERED BY: Ms. SCHAKOWSKY

AMENDMENT No. 1: After section 1, insert the following section (and redesignate the subsequent sections, and conform internal cross-references, accordingly):

## SEC. 2. FINDING.

The Congress finds that mercury released into the ambient air from industrial boilers

and waste incinerators addressed by the rules listed in section 2(b) of this Act is a potent neurotoxin that can damage the development of an infant's brain.

H.R. 2250

OFFERED BY: MS. EDWARDS

AMENDMENT NO. 2: After section 1, insert the following section (and redesignate subsequent sections, and conform internal cross-references, accordingly):

**SEC. 2. FINDING.**

The Congress finds that, according to the Environmental Protection Agency's analysis of the impacts of the final rules specified in section 3(b)(1) and section (3)(b)(2) on employment, based on peer-reviewed literature, such rules would create 2,200 net additional jobs, not including the jobs created to manufacture and install equipment to reduce air pollution.

H.R. 2250

OFFERED BY: MS. JACKSON LEE OF TEXAS

AMENDMENT NO. 3: Page 6, lines 23 and 24, strike "not earlier than 5 years after the effective date of the regulation" and insert "not later than 3 years after the regulation is promulgated as final".

H.R. 2250

OFFERED BY: MR. DOYLE

AMENDMENT NO. 4: Page 6, beginning on line 20, strike paragraph (1) and insert the following paragraphs (and redesignate the subsequent paragraph accordingly):

(1) shall establish a date for compliance with standards and requirements under such regulation in accordance with section 112(i)(3) of the Clean Air Act (42 U.S.C. 7412(i)(3));

(2) may, if the Administrator determines there is a compelling reason to extend the date for such compliance, provide an extension, in addition to any extension under section 112(i)(3)(B) of such Act (42 U.S.C. 7412(i)(3)(B)), extending the date for such compliance up to one year, but in no case beyond the date that is 5 years after the effective date of such regulation; and

H.R. 2250

OFFERED BY: MR. BLUMENAUER

AMENDMENT NO. 5: After section 1, insert the following section (and redesignate the subsequent sections accordingly):

**SEC. 2. FINDINGS.**

The Congress finds the following:

(1) Section 112(e) of the Clean Air Act (42 U.S.C. 7412(e)) requires the rules specified in section 3(b)(1) and (2) to be promulgated no later than the year 2000, and section 112(i) of such Act (42 U.S.C. 7412(i)) requires emissions reductions mandated by such rules to be achieved no later than 2003.

(2) Section 129 of the Clean Air Act (42 U.S.C. 7429) requires the rule specified in section 3(b)(3) to be promulgated no later than the year 1994, and section 112(f) of such Act (42 U.S.C. 7412(f)) requires emissions reductions mandated by such rule to be achieved no later than 1999.

Page 6, line 18, strike "section 2" and insert "section 3".

Page 7, line 21, strike "section 2(a)(1)" and insert "section 3(a)(1)".

Page 8, line 14, strike "section 2(a)" and insert "section 3(a)".

Page 8, line 16, strike "section 2(b)" and insert "section 3(b)".

Page 9, line 9, strike "section 2(a)" and insert "section 3(a)".

Page 9, line 20, strike "section 2(a)" and insert "section 3(a)".

H.R. 2250

OFFERED BY: MR. RUSH

AMENDMENT NO. 6: At the end of section 5, add the following:

(c) RULE OF CONSTRUCTION.—This section is intended to supplement the provisions of, and shall not be construed to supersede any requirement, limitation, or other provision of, sections 112 and 129 of the Clean Air Act (42 U.S.C. 7412, 7429).

H.R. 2250

OFFERED BY: MR. QUIGLEY

AMENDMENT NO. 7: At the end of the bill, add the following section:

**SEC. 6. PROTECTION FROM AVOIDABLE CASES OF CANCER.**

Notwithstanding any other provision of this Act, the Administrator shall not delay actions pursuant to the rules identified in section 2(b) of this Act to reduce emissions from waste incinerators or industrial boilers at chemical facilities, oil refineries, or large manufacturing facilities if such emissions are increasing the risk of cancer.

H.R. 2250

OFFERED BY: MR. WAXMAN

AMENDMENT NO. 8: After section 1, insert the following section (and redesignate the subsequent sections, and conform internal cross-references, accordingly):

**SEC. 2. FINDING.**

The Congress finds that, according to the Environmental Protection Agency, if the rule specified in section 3(b)(1) remains in effect, it will yield annual public health benefits of \$22 billion to \$54 billion, while the costs of such rule are \$1.9 billion.

H.R. 2250

OFFERED BY: MR. WAXMAN

AMENDMENT NO. 9: At the end of the bill, add the following section:

**SEC. 6. PROTECTION FOR INFANTS AND CHILDREN.**

Notwithstanding any other provision of this Act, the Administrator shall not delay actions pursuant to the rules identified in section 2(b) of this Act to reduce emissions from waste incinerators or industrial boilers at chemical facilities, oil refineries, or large manufacturing facilities if such emissions are harming brain development or causing learning disabilities in infants or children.

H.R. 2250

OFFERED BY: MR. WAXMAN

AMENDMENT NO. 10: At the end of the bill, add the following section:

**SEC. 6. DETERMINATION; AUTHORIZATION.**

Not later 10 days after the date of enactment of this Act, the Director of the Office of Management and Budget, in consultation with the Chief Financial Officer of the Environmental Protection Agency, the Comptroller General of the United States, and the Director of the Congressional Budget Office, shall make a determination regarding whether this Act authorizes the appropriation of funds to implement this Act and, if so, whether this Act reduces an existing authorization of appropriations by an offsetting amount. The provisions of this Act shall cease to be effective if it is determined that this Act authorizes the appropriation of funds without an offsetting reduction in an existing authorization of appropriations.

H.R. 2250

OFFERED BY: MR. WAXMAN

AMENDMENT NO. 11: At the end of the bill, add the following section:

**SEC. 6. COMPLIANCE WITH CUT-GO.**

If this Act authorizes the appropriation of funds to implement this Act and does not reduce an existing authorization of appropriations to offset that amount, then the provisions of this Act shall cease to be effective.

H.R. 2250

OFFERED BY: MR. ELLISON

AMENDMENT NO. 12: Page 6, line 24, insert "except that the date for compliance with

standards and requirements under such regulation may be earlier than 5 years after the effective date of the regulation if the Administrator finds that such regulation will create more than 1,000 jobs" after "regulation".

H.R. 2250

OFFERED BY: MR. ELLISON

AMENDMENT NO. 13: Page 7, line 5, strike "non-air quality".

H.R. 2250

OFFERED BY: MR. ELLISON

AMENDMENT NO. 14: Strike section 5.

H.R. 2250

OFFERED BY: MS. HAHN

AMENDMENT NO. 15: At the end of section 2, add the following:

(d) TEN METROPOLITAN AREAS OF THE UNITED STATES WITH THE WORST AIR QUALITY.—

(1) STAY OF EARLIER RULES INAPPLICABLE.—Insofar as the rules listed in subsection (b) apply to sources of air pollution in any of the 10 metropolitan areas of the United States with the worst air quality, such rules shall, notwithstanding subsection (b), continue to be effective.

(2) NEW STANDARDS INAPPLICABLE IF LESS PROTECTIVE OF PUBLIC HEALTH AND THE ENVIRONMENT.—With respect to sources of air pollution in any of the 10 metropolitan areas of the United States with the worst air quality, the provisions of the regulations promulgated under subsection (a)—

(A) shall apply to such sources, and shall replace the rules listed in subsection (b), to the extent such provisions are equally or more protective of public health and the environment than the corresponding provisions of the rules listed in subsection (b); and

(B) shall not apply to such sources, and shall not replace the rules listed in subsection (b), to the extent such provisions are less protective of public health and the environment than the corresponding provisions of the rules listed in subsection (b).

(3) DEFINITIONS.—In this subsection:

(A) The term "metropolitan area"—

(i) for purposes of subparagraph (B)(i), means the metropolitan statistical area or consolidated metropolitan statistical area (as established by the Bureau of the Census) most closely corresponding to the city or group of cities ranked among the cities with the worst year-round particle pollution in the "State of the Air 2011" report of the American Lung Association; and

(ii) for purposes of subparagraph (B)(ii), means a metropolitan statistical area or consolidated metropolitan statistical area (as established by the Bureau of the Census).

(B) The term "10 metropolitan areas of the United States with the worst air quality" means—

(i) during the 5-year period beginning on the date of the enactment of this Act, the 10 metropolitan areas listed in the "State of the Air 2011" report of the American Lung Association as having the worst year-round particle pollution; and

(ii) during each successive 5-year period, the 10 metropolitan areas determined by the Administrator of the Environmental Protection Agency to have the highest year-round levels of particulate matter in the air.

H.R. 2250

OFFERED BY: MRS. CAPPS

AMENDMENT NO. 16: After section 1, insert the following section (and redesignate the subsequent sections, and conform the internal cross-references, accordingly):

**SEC. 2. FINDING.**

The Congress finds that, according to the Environmental Protection Agency, if the rules specified in section 3(b) are in effect,

then for every dollar in costs, the rules will provide at least \$10 to \$24 in health benefits, due to the avoidance each year of—

- (1) 2,600 to 6,600 premature deaths;
- (2) 4,100 nonfatal heart attacks;
- (3) 4,400 hospital and emergency room visits;
- (4) 42,000 cases of aggravated asthma; and
- (5) 320,000 days of missed work or school.

H.R. 2250

OFFERED BY: MR. CONNOLLY OF VIRGINIA

AMENDMENT No. 17: At the end of the bill, add the following section:

**SEC. 6. PROTECTION FROM RESPIRATORY AND CARDIOVASCULAR ILLNESS AND DEATH.**

Notwithstanding any other provision of this Act, the Administrator shall not delay actions pursuant to the rules identified in section 2(b) of this Act to reduce emissions from waste incinerators or industrial boilers at chemical facilities, oil refineries, or large manufacturing facilities if such emissions are causing respiratory and cardiovascular illnesses and deaths, including cases of heart attacks, asthma attacks, and bronchitis, in communities with air pollution levels that exceed the health-based air quality standards.

H.R. 2250

OFFERED BY: MR. CONNOLLY OF VIRGINIA

AMENDMENT No. 18: At the end of the bill, add the following section:

**SEC. 6. PROTECTION FROM RESPIRATORY AND CARDIOVASCULAR ILLNESS AND DEATH.**

Notwithstanding any other provision of this Act, the Administrator shall not delay actions pursuant to the rules identified in section 2(b) of this Act to reduce emissions from waste incinerators or industrial boilers at chemical facilities, oil refineries, or large manufacturing facilities if such emissions are causing respiratory and cardiovascular illnesses and deaths, including cases of heart attacks, asthma attacks, and bronchitis.

H.R. 2250

OFFERED BY: MR. WELCH

AMENDMENT No. 19: After section 1, insert the following section (and redesignate the subsequent sections, and conform internal cross-references, accordingly):

**SEC. 2. FINDING.**

The Congress finds that the American people are exposed to mercury from industrial sources addressed by the rules listed in section 2(b) of this Act through the consumption of fish containing mercury and every State in the Nation has issued at least one mercury advisory for fish consumption.

H.R. 2250

OFFERED BY: MR. PALLONE

AMENDMENT No. 20: After section 1, insert the following section (and redesignate the subsequent sections, and conform internal cross-references, accordingly):

**SEC. 2. FINDING.**

The Congress finds that Federal departments and agencies should support efforts to achieve the science-based, 10-year national objectives for improving the health of all Americans through reduced exposure to mercury that are established in Healthy People 2020 and were developed under the leadership of the National Institutes of Health and the Centers for Disease Control and Prevention during two presidential administrations.

At the end of the bill, add the following new section:

**SEC. 7. REDUCING BLOOD-MERCURY CONCENTRATIONS.**

The provisions of this Act shall cease to be effective, and the rules specified in section 3(b) shall be revived and restored, if the Ad-

ministrator finds, in consultation with the directors of the National Institutes of Health and the Centers for Disease Control and Prevention, that by allowing continued uncontrolled emissions of mercury from industrial boilers and waste incinerators, this Act threatens to impede efforts to achieve the science-based, 10-year national objective for reducing mercury concentrations in children's blood that is established in Healthy People 2020.

H.R. 2250

OFFERED BY: MS. SPEIER

AMENDMENT No. 21: Strike all after the enacting clause and insert the following:

**SECTION 1. STUDY.**

(a) **STUDY.**—Not later than 6 months after the date of enactment of this Act, the Administrator of the Environmental Protection Agency shall submit to Congress a report with respect to the emissions control technologies in use by the best-performing 12 percent of industrial, commercial, and institutional boilers and process heaters, and commercial and industrial solid waste incineration units, that were evaluated to develop the rules listed in subsection (b). Such report shall include the following:

- (1) A description of the emissions control efforts of such boilers, process heaters, and incineration units.
- (2) The cost-efficient and cost-effective strategies employed by such sources to reduce emissions.
- (3) A description of the emissions control technologies that such sources are using that will achieve compliance with the rules listed in subsection (b).
- (4) Identification of manufacturing industries involved in making emissions control technologies in use by such sources.

(b) **RULES.**—The rules referred to in subsection (a) are the following:

- (1) “National Emission Standards for Hazardous Air Pollutants for Major Sources: Industrial, Commercial, and Institutional Boilers and Process Heaters”, published at 76 Fed. Reg. 15608 (March 21, 2011).
- (2) “National Emission Standards for Hazardous Air Pollutants for Area Sources: Industrial, Commercial, and Institutional Boilers”, published at 76 Fed. Reg. 15554 (March 21, 2011).
- (3) “Standards of Performance for New Stationary Sources and Emission Guidelines for Existing Sources: Commercial and Industrial Solid Waste Incineration Units”, published at 76 Fed. Reg. 15704 (March 21, 2011).
- (4) “Identification of Non-Hazardous Secondary Materials That Are Solid Waste”, published at 76 Fed. Reg. 15456 (March 21, 2011).

H.R. 2250

OFFERED BY: MR. COHEN

AMENDMENT No. 22: Page 7, line 18, strike “and” after the semicolon.

Page 7, line 19, strike “impacts.” and insert “impacts; and”.

Page 7, after line 19, insert the following subparagraph:

(F) potential reductions in the number of illness-related absences from work due to respiratory or other illnesses.

H.R. 2681

OFFERED BY: MS. SCHAKOWSKY

AMENDMENT No. 1: After section 1, insert the following section (and redesignate the subsequent sections, and conform internal cross-references, accordingly):

**SEC. 2. FINDING.**

The Congress finds that mercury released into the ambient air from cement kilns addressed by the rules listed in section 2(b) of this Act is a potent neurotoxin that can damage the development of an infant's brain.

H.R. 2681

OFFERED BY: MS. MOORE

AMENDMENT No. 2: Add at the end of the bill the following:

**SEC. 6. DELAYED EFFECTIVE DATE.**

(a) **IN GENERAL.**—This Act shall not take effect until the President certifies that implementation of this Act—

- (1) will not adversely affect public health in the United States; and
- (2) will not have a disproportionately negative impact on subpopulations that are most at risk from hazardous air pollutants, including communities with a high proportion of minorities, low-income communities, pregnant women, and the elderly.

(b) **DETERMINATION REQUIRED.**—Not later than 90 days after the date of the enactment of this Act, the President shall publish in the Federal Register—

- (1) the certification described in subsection (a); or
- (2) an explanation of why such certification is not warranted.

H.R. 2681

OFFERED BY: MS. EDWARDS

AMENDMENT No. 3: After section 1, insert the following section (and redesignate the subsequent sections accordingly):

**SEC. 2. FINDING.**

The Congress finds that if the rules specified in section 3(b) remain in effect, they will yield annual public health benefits of \$6,700,000,000 to \$18,000,000,000, while the costs of such rules are \$926,000,000 to \$950,000,000.

Page 5, line 11, strike “section 2” and insert “section 3”.

Page 6, line 14, strike “section 2(a)(1)” and insert “section 3(a)(1)”.

Page 7, line 8, strike “section 2(a)” and insert “section 3(a)”.

Page 7, lines 9 and 10, strike “section 2(b)(2)” and insert “section 3(b)(2)”.

Page 8, line 3, strike “section 2(a)” and insert “section 3(a)”.

Page 8, line 14, strike “section 2(a)” and insert “section 3(a)”.

H.R. 2681

OFFERED BY: MS. JACKSON LEE OF TEXAS

AMENDMENT No. 4: Page 5, lines 16 and 17, strike “not earlier than 5 years after the effective date of the regulation” and insert “not later than 3 years after the regulation is promulgated as final”.

H.R. 2681

OFFERED BY: MR. KEATING

AMENDMENT No. 5: Page 5, beginning on line 13, strike paragraph (1) and insert the following paragraph (and redesignate the subsequent paragraph accordingly):

(1) shall establish a date for compliance with standards and requirements under such regulation in accordance with section 112(i)(3) of the Clean Air Act (42 U.S.C. 7412(i)(3));

(2) may, if the Administrator determines there is a compelling reason to extend the date for such compliance, provide an extension, in addition to any extension under section 112(i)(3)(B) of such Act (42 U.S.C. 7412(i)(3)(B)), extending the date for such compliance up to one year, but in no case beyond the date that is 5 years after the effective date of such regulation; and

H.R. 2681

OFFERED BY: MR. BLUMENAUER

AMENDMENT No. 6: After section 1, insert the following section (and redesignate the subsequent sections accordingly):

**SEC. 2. FINDINGS.**

The Congress finds the following:

- (1) Section 112(e) of the Clean Air Act (42 U.S.C. 7412(e)) requires the rule specified in

section 3(b)(1) to be promulgated no later than the year 2000, and section 112(i) of such Act (42 U.S.C. 7412(i)) requires emissions reductions mandated by such rule to be achieved no later than 2003.

(2) Section 129 of the Clean Air Act (42 U.S.C. 7429) requires the rule specified in section 3(b)(2)(A) to be promulgated no later than the year 1994, and section 112(f) of such Act (42 U.S.C. 7412(f)) requires emissions reductions mandated by such rule to be achieved no later than 1999.

Page 5, line 11, strike “section 2” and insert “section 3”.

Page 6, line 14, strike “section 2(a)(1)” and insert “section 3(a)(1)”.

Page 7, line 8, strike “section 2(a)” and insert “section 3(a)”.

Page 7, lines 9 and 10, strike “section 2(b)(2)” and insert “section 3(b)(2)”.

Page 8, line 3, strike “section 2(a)” and insert “section 3(a)”.

Page 8, line 14, strike “section 2(a)” and insert “section 3(a)”.

H.R. 2681

OFFERED BY: MR. RUSH

AMENDMENT No. 7: At the end of section 5, add the following:

(c) **RULE OF CONSTRUCTION.**—This section is intended to supplement the provisions of, and shall not be construed to supersede any requirement, limitation, or other provision of, sections 112 and 129 of the Clean Air Act (42 U.S.C. 7412, 7429).

H.R. 2681

OFFERED BY: MR. QUIGLEY

AMENDMENT No. 8: At the end of the bill, add the following section:

**SEC. 6. PROTECTION FROM AVOIDABLE CASES OF CANCER.**

Notwithstanding any other provision of this Act, the Administrator shall not delay actions pursuant to the rules identified in section 2(b) of this Act to reduce emissions from any cement kiln if such emissions are increasing the risk of cancer.

H.R. 2681

OFFERED BY: MR. WAXMAN

AMENDMENT No. 9: At the end of the bill, add the following section:

**SEC. 6. DETERMINATION; AUTHORIZATION.**

Not later 10 days after the date of enactment of this Act, the Director of the Office of Management and Budget, in consultation with the Chief Financial Officer of the Environmental Protection Agency, the Comptroller General of the United States, and the Director of the Congressional Budget Office, shall make a determination regarding whether this Act authorizes the appropriation of funds to implement this Act and, if so, whether this Act reduces an existing authorization of appropriations by an offsetting amount. The provisions of this Act shall cease to be effective if it is determined that this Act authorizes the appropriation of funds without an offsetting reduction in an existing authorization of appropriations.

H.R. 2681

OFFERED BY: MR. WAXMAN

AMENDMENT No. 10: At the end of the bill, add the following section:

**SEC. 6. COMPLIANCE WITH CUT-GO.**

If this Act authorizes the appropriation of funds to implement this Act and does not reduce an existing authorization of appropriations to offset that amount, then the provisions of this Act shall cease to be effective.

H.R. 2681

OFFERED BY: MR. WAXMAN

AMENDMENT No. 11: At the end of the bill, add the following section:

**SEC. 6. PROTECTION FOR INFANTS AND CHILDREN.**

Notwithstanding any other provision of this Act, the Administrator shall not delay

actions pursuant to the rules identified in section 2(b) of this Act to reduce emissions from any cement kiln if such emissions are harming brain development or causing learning disabilities in infants or children.

H.R. 2681

OFFERED BY: MR. ELLISON

AMENDMENT No. 12: Page 5, line 22, strike “non-air quality”.

H.R. 2681

OFFERED BY: MR. ELLISON

AMENDMENT No. 13: Strike section 5.

H.R. 2681

OFFERED BY: MR. ELLISON

AMENDMENT No. 14: Page 5, after line 8, insert the following subsection:

(c) **NOTICE IN FEDERAL REGISTER.**—Not later than 60 days after the date of enactment of this Act, the Administrator shall publish a notice in the Federal Register estimating the public health impact of delaying regulation for the Portland cement manufacturing industry and Portland cement plants until the compliance date of the rules required by subsection (a) instead of the compliance date of the rules made ineffective by subsection (b).

H.R. 2681

OFFERED BY: MS. HAHN

AMENDMENT No. 15: At the end of section 2, add the following:

(c) **TEN METROPOLITAN AREAS OF THE UNITED STATES WITH THE WORST AIR QUALITY.**—

(1) **STAY OF EARLIER RULES INAPPLICABLE.**—Insofar as the rules listed in subsection (b) apply to sources of air pollution in any of the 10 metropolitan areas of the United States with the worst air quality, such rules shall, notwithstanding subsection (b), continue to be effective.

(2) **NEW STANDARDS INAPPLICABLE IF LESS PROTECTIVE OF PUBLIC HEALTH AND THE ENVIRONMENT.**—With respect to sources of air pollution in any of the 10 metropolitan areas of the United States with the worst air quality, the provisions of the regulations promulgated under subsection (a)—

(A) shall apply to such sources, and shall replace the rules listed in subsection (b), to the extent such provisions are equally or more protective of public health and the environment than the corresponding provisions of the rules listed in subsection (b); and

(B) shall not apply to such sources, and shall not replace the rules listed in subsection (b), to the extent such provisions are less protective of public health and the environment than the corresponding provisions of the rules listed in subsection (b).

(3) **DEFINITIONS.**—In this subsection:

(A) The term “metropolitan area” —

(i) for purposes of subparagraph (B)(i), means the metropolitan statistical area or consolidated metropolitan statistical area (as established by the Bureau of the Census) most closely corresponding to the city or group of cities ranked among the cities with the worst year-round particle pollution in the “State of the Air 2011” report of the American Lung Association; and

(ii) for purposes of subparagraph (B)(ii), means a metropolitan statistical area or consolidated metropolitan statistical area (as established by the Bureau of the Census).

(B) The term “10 metropolitan areas of the United States with the worst air quality” means—

(i) during the 5-year period beginning on the date of the enactment of this Act, the 10 metropolitan areas listed in the “State of the Air 2011” report of the American Lung Association as having the worst year-round particle pollution; and

(ii) during each successive 5-year period, the 10 metropolitan areas determined by the

Administrator of the Environmental Protection Agency to have the highest year-round levels of particulate matter in the air.

H.R. 2681

OFFERED BY: MR. MARKEY

AMENDMENT No. 16: After section 1, insert the following section (and redesignate the subsequent sections accordingly):

**SEC. 2. FINDING.**

The Congress finds that if the rules specified in section 3(b) remain in effect, they are expected to reduce the amount of mercury that deposits to land and water by up to—

(1) 30 percent in some areas of the western United States; and

(2) 17 percent in some areas of the eastern United States.

Page 5, line 11, strike “section 2” and insert “section 3”.

Page 6, line 14, strike “section 2(a)(1)” and insert “section 3(a)(1)”.

Page 7, line 8, strike “section 2(a)” and insert “section 3(a)”.

Page 7, lines 9 and 10, strike “section 2(b)(2)” and insert “section 3(b)(2)”.

Page 8, line 3, strike “section 2(a)” and insert “section 3(a)”.

Page 8, line 14, strike “section 2(a)” and insert “section 3(a)”.

H.R. 2681

OFFERED BY: MRS. CAPPS

AMENDMENT No. 17: After section 1, insert the following section (and redesignate the subsequent sections, and conform internal cross-references, accordingly):

**SEC. 2. FINDING.**

The Congress finds that according to the Environmental Protection Agency, if the rules specified in section 3(b) are in effect, then for every dollar in costs, the rules will provide at least \$7 to \$19 in health benefits, due to the avoidance each year of—

- (1) 960 to 2,500 premature deaths;
- (2) 1,500 nonfatal heart attacks;
- (3) 1,000 emergency room visits;
- (4) 17,000 cases of aggravated asthma; and
- (5) 130,000 days of missed work.

H.R. 2681

OFFERED BY: MR. CONNOLLY OF VIRGINIA

AMENDMENT No. 18: At the end of the bill, add the following section:

**SEC. 6. PROTECTION FROM RESPIRATORY AND CARDIOVASCULAR ILLNESS AND DEATH.**

Notwithstanding any other provision of this Act, the Administrator shall not delay actions pursuant to the rules identified in section 2(b) of this Act to reduce emissions from any cement kiln if such emissions are causing respiratory and cardiovascular illnesses and deaths, including cases of heart attacks, asthma attacks, and bronchitis.

H.R. 2681

OFFERED BY: MR. CONNOLLY OF VIRGINIA

AMENDMENT No. 19: At the end of the bill, add the following section:

**SEC. 6. PROTECTION FROM RESPIRATORY AND CARDIOVASCULAR ILLNESS AND DEATH.**

Notwithstanding any other provision of this Act, the Administrator shall not delay actions pursuant to the rules identified in section 2(b) of this Act to reduce emissions from any cement kiln if such emissions are causing respiratory and cardiovascular illnesses and deaths, including cases of heart attacks, asthma attacks, and bronchitis, in communities with air pollution levels that exceed the health-based air quality standards.

H.R. 2681

OFFERED BY: MR. WELCH

AMENDMENT No. 20: After section 1, insert the following section (and redesignate the

subsequent sections, and conform internal cross-references, accordingly):

**SEC. 2. FINDING.**

The Congress finds that the American people are exposed to mercury from industrial sources addressed by the rules listed in section 2(b) of this Act through the consumption of fish containing mercury and every State in the Nation has issued at least one mercury advisory for fish consumption.

H.R. 2681

OFFERED BY: MR. PALLONE

AMENDMENT No. 21: After section 1, insert the following section (and redesignate the subsequent sections, and conform internal cross-references, accordingly):

**SEC. 2. FINDING.**

The Congress finds that Federal departments and agencies should support efforts to achieve the science-based, 10-year national objectives for improving the health of all Americans through reduced exposure to mercury that are established in Healthy People 2020 and were developed under the leadership

of the National Institutes of Health and the Centers for Disease Control and Prevention during two presidential administrations.

At the end of the bill, add the following section:

**SEC. 7. REDUCING BLOOD-MERCURY CONCENTRATIONS.**

The provisions of this Act shall cease to be effective, and the rules specified in section 3(b) shall be revived and restored, if the Administrator finds, in consultation with the directors of the National Institutes of Health and the Centers for Disease Control and Prevention, that by allowing continued uncontrolled emissions of mercury from cement kilns this Act threatens to impede efforts to achieve the science-based, 10-year national objective for reducing mercury concentrations in children's blood that is established in Healthy People 2020.

H.R. 2681

OFFERED BY: MR. GARAMENDI

AMENDMENT No. 22: Strike all after the enacting clause and insert the following:

**SECTION 1. SENSE OF CONGRESS ON GROWTH IN CEMENT INDUSTRY.**

Given that the United States cement industry must comply with United States labor and air pollution standards and faces strong competition from foreign countries with weak labor and air pollution emissions requirements, it is the sense of the Congress that Federal departments and agencies should strictly enforce the Buy American requirements in Federal law applicable to the manufacture of cement in the United States.

H.R. 2681

OFFERED BY: MR. COHEN

AMENDMENT No. 23: Page 6, line 11, strike "and" after the semicolon.

Page 6, line 12, strike "impacts." and insert "impacts; and".

Page 6, after line 12, insert the following subparagraph:

(F) potential reductions in the number of illness-related absences from work due to respiratory or other illnesses.





United States  
of America

# Congressional Record

PROCEEDINGS AND DEBATES OF THE 112<sup>th</sup> CONGRESS, FIRST SESSION

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No. 147

## Senate

The Senate met at 10 a.m. and was called to order by the Honorable JEANNE SHAHEEN, a Senator from the State of New Hampshire.

### PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Lord, we open our hearts to You in gratitude for the blessing of another day. Renew us, revitalize us with the knowledge of Your loving providence. Have mercy on our Nation and world this day. Solidify the financial foundations of teetering nations and restrain those who seek to reap gain from others' woes.

Lord, bless the many on Capitol Hill who give of their time and talents in such full measure to keep liberty's light burning brightly. May their trust in Your word sustain them with confidence in the difficult days to come.

We pray in Your sacred Name. Amen.

### PLEDGE OF ALLEGIANCE

The Honorable JEANNE SHAHEEN led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. INOUE).

The legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, October 4, 2011.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JEANNE SHAHEEN, a

Senator from the State of New Hampshire, to perform the duties of the Chair.

DANIEL K. INOUE,  
President pro tempore.

Mrs. SHAHEEN thereupon assumed the chair as Acting President pro tempore.

### RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

### SCHEDULE

Mr. REID. Following leader remarks, the Senate will be in morning business for 1 hour, with the majority controlling the first half and the Republicans controlling the final half.

Following morning business, the Senate will resume consideration of the motion to proceed to S. 1619.

The Senate will recess from 12:30 to 2:15 today to allow for our weekly caucus meetings.

At 2:30, the Senate will begin consideration of S. 1619, the China currency legislation, which is how it is referred to. Rollcall votes are possible during today's session. We will notify Senators when they are scheduled. I hope Senators, both Democrats and Republicans, who wish to offer amendments will contact the managers of the bill. We need to get these amendments moving as quickly as possible. Hopefully, on most of them, we can do time agreements. This is important legislation, and we need to expedite it as much as possible.

This is a busy work period, and we have a couple of important holidays. We have Yom Kippur, which starts Friday at sundown, which is the highest of all of the holidays of the Jewish faith, and then we have Columbus Day, which is Monday. So we have a couple of short weeks.

### CHINA CURRENCY MANIPULATION

Mr. REID. Madam President, last night the Senate held an overwhelming bipartisan vote to move forward with legislation preventing continued currency manipulation by the Chinese Government. This unfair practice, which gives Chinese exports an unmerited advantage in the global marketplace, injures the American economy, it hurts American manufacturers, and it costs American jobs, lots of them.

In 1990, America's trade deficit with China was \$10 billion. Twenty years later, thanks to currency manipulation that gives an edge to Chinese exporters, that trade deficit has soared to \$273 billion—from \$10 billion to \$273 billion. That trade deficit has fueled the loss of about 3 million American jobs, including 2 million manufacturing jobs, in just the last 10 years alone. In Nevada, we have lost more than 14,000 jobs to China trade, and it is all because of currency manipulation. The eight hardest hit States have lost 1.4 million positions total, and 17 States have lost more than 2 percent of their jobs.

Manufacturers simply can't compete when the Chinese Government gives its exporters advantages other countries don't get. American workers and manufacturers work as hard and are as ingenious as any in the world. They don't need special advantages to succeed; they just need a fair shot. This important jobs legislation will give them that fair shot.

Putting an end to China's deliberate actions to undervalue its currency will even the playing field. It will also support 1.6 million American jobs. Demanding a fair playing field will pump \$300 billion into our economy in just a few short years.

But don't take my word for it. Just ask American manufacturers. The Alliance for American Manufacturers called this jobs bill the "deficit-reducing, job-creating, no-cost stimulus that

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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is desperately needed." Business groups have lined up to testify to the adverse impacts of currency manipulation on U.S. corporate interests. The American Iron and Steel Institute, the National Association of Manufacturers, and even the U.S. Chamber of Commerce have said the problem pits American and Chinese manufacturers against one another in an unfair fight.

But this issue has also forged some strange alliances. The AFL-CIO has also called for swift action to level the playing field. The chamber of commerce and the AFL-CIO are together on this issue.

This is what the AFL-CIO said:

The single most important job-supporting trade measure that Congress . . . can take is to address the Chinese government's manipulation of its currency.

Business and labor groups agree that American workers and manufacturers aren't getting a fair shake, and they agree on what action Congress should take to give them that fair shake. We all know that doesn't happen very often.

Here in the Senate we have heard the message loudly and clearly. We can't ignore blatant, unfair trade practices that put American workers at a disadvantage.

Supreme Court Justice Potter Stewart once said: "Fairness is what justice really is." This week, the Senate is demanding justice for American companies and their employees.

I know a few of my Democratic colleagues don't support this legislation but very few. There are some Republicans who don't support this legislation but very few. Even though there are a few on each side who don't support this bill, I think this is the mark of a good piece of legislation—garnering a significant number of votes from each party. That is what bipartisanship is all about. With millions of Americans' livelihoods at stake, I am pleased to see the Senate working on a truly bipartisan bill.

#### RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

#### FREE TRADE AGREEMENTS

Mr. MCCONNELL. Madam President, there is a lot of talk these days about how Washington is broken and how, unless we do something to fix it, the solutions to our most urgent problems will remain out of reach. The fact is, that is not really true. Congress is not frozen in a state of perpetual gridlock, and the now imminent passage of three long-awaited free-trade agreements with Colombia, Panama, and South Korea shows it.

For 2½ years, I and other Republicans have stated as clearly as we could to anyone who would listen that we are willing and eager to work with

the Democrats on legislation on which we know both sides agree. Free-trade agreements fall squarely into that category. That is why I have been calling on the President to approve them since his very first day in office. Yet, for reasons I will touch on in a moment, he has actually held back.

It is true that the President had to be convinced of the importance of these agreements. After all, he ran for office promising to renegotiate NAFTA. But once he did come around, his reluctance to act became an emblem for the administration's entire approach to jobs in which results have taken a back seat to ideology. All the President had to do was to follow through on his own pledge—send these trade agreements to Congress—and we would have had an early bipartisan achievement which didn't add a single dime to the deficit and which, by his own estimates, would protect tens of thousands of jobs right here at home. Instead, the President passed over what could have been a job-creating, bipartisan layup and devoted the first weeks of his Presidency to a highly partisan stimulus that has since become a national punch line.

So now, 2½ years after the stimulus was signed into law, there are 1.7 million fewer jobs in America, and the President is just this week getting around to free-trade agreements we all knew would create jobs, all of which raises a question: Why didn't we do this sooner? I think there are two reasons we didn't do it sooner.

First, the White House was under pressure from unions that don't like free trade. They have been extracting promises from the White House for 2½ years in exchange for their support. That is one reason.

The second reason the White House didn't send these agreements up sooner is that the political operators over at the White House seem to believe they benefit from the appearance—the appearance—of gridlock. They are over there telling any reporter who will listen that they plan to run against Congress next year. Their communications director said as much to the New York Times 2 weeks ago.

So that is their explicit strategy—to make people believe Congress can't get anything done. How do they make sure of that? Well, they do that by proposing legislation they know the other side won't support even when there is an entire menu of bipartisan proposals the President could choose to pursue instead. How else do we explain the President's standing before the country in January extolling the job-creating potential of these free-trade agreements, asking Congress to pass them as soon as possible, and then sitting on them until yesterday, preventing Congress from taking the vote? How else do we explain the fact that the President spent the past few weeks running around the country demanding that Congress pass a so-called jobs bill right away even as leading members of his own party admit the Democrats

wouldn't have the votes to get it through Congress even if it came to the floor? As one senior Democratic aide put it yesterday: "Nobody is all that excited about the President's jobs bill."

That is how to create dysfunction—by refusing to acknowledge that we live under a two-party system in this country and that as long as we do, the two parties will have to cooperate to some extent in order to get legislation through Congress. It is the refusal to accept this reality that leads to inaction. The President can govern as though this is the Congress he wants or he can deal with the Congress he has. Along the first path lies gridlock, and along the second lies the kind of legislative progress Americans want. As for Republicans, well, we have been crystal clear from the outset that we prefer the latter route.

So this morning, I reiterate the same plea I have consistently made for the past 2½ years. My suggestion to the President is that he put aside proposals for which we know there is bipartisan opposition and focus instead on proposals on which we know both sides can agree. Free-trade agreements are a good first step, but they are just that—a first step. If we are going to tackle the enormous challenges we face, we need to come together on much more than that. There is bipartisan agreement, for instance, on the need to increase domestic energy exploration, to reverse job-killing regulations, and to reform the corporate tax code so we are more competitive. If the White House really wants to make a statement, it will work with us on all of these issues. If it doesn't, Americans will only conclude that it would rather have an issue to run on than an impact.

With these trade agreements, we are showing we can work together to create jobs and help the economy, and it is something we should do a lot more of around here.

Madam President, I yield the floor.

#### RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

#### MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will be in a period of morning business for 1 hour, with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the majority controlling the first half and the Republicans controlling the final half.

The Senator from Illinois.

#### FINDING SOLUTIONS

Mr. DURBIN. Madam President, I listened carefully to the statement made

by the minority leader, Senator McCONNELL of Kentucky, concerning the current state of affairs in the U.S. Senate. I certainly want to endorse his conclusion that we should find ways to work together, try to find solutions, bipartisan solutions, in this divided government that will actually address the problems America faces.

If you ask people across America about our problems, No. 1 on the list is the creation of jobs, the high unemployment. President Obama has come forward with a jobs plan which he is now trying to sell to Congress, as well as to the American people, with some success, certainly when it comes to appealing to the public.

When you ask the American people: Is it a good idea to give a payroll tax cut to working families so they have more spending power, so they do not have to live paycheck to paycheck, so they can fill the gas tank, go shopping? Of course. It makes sense. That is one of the pillars of the President's jobs act.

The President also proposes that we give tax breaks particularly to businesses, smaller businesses that hire the unemployed, including veterans. If you ask the American public: What do you think of that, overwhelmingly they think that is a good idea.

When you say the President's plan also tries to help those State and local governments that are facing layoffs of teachers, firefighters, and policemen by lessening the impact that would have, the American people say that is reasonable. We do not believe crowded classrooms and communities without fire and police protection are good for our future. So they endorse the President's approach to that.

The President also thinks we should invest, in this jobs act, in rebuilding the fundamental structure of the American economy—not only highways and bridges and airports but our schools—and the American people have overwhelmingly said that is a good idea.

The President said we should pay for this, and we should pay for it by making certain those who can afford to pay more in taxes—those making \$1 million or more—pay a little more so we can achieve what I outlined earlier.

Well, it turns out that is not only approved by the American people, 59 percent of Republicans agree with that—raising taxes on the highest income Americans to help move this economy forward. Fifty-nine percent of Republicans agree with that. As someone said in a meeting this morning, unfortunately none of them are serving in Congress. And the Republican Senators and Members of the House are saying: No way will we consider any additional taxes on the wealthiest people in America even if the money is going to be used to give payroll tax cuts to working families and to give tax incentives and credits to small businesses and to avoid laying off and firing firefighters and policemen and teachers. They say: No way.

So when the minority leader comes to the floor of the Senate and says we have to find common agreement, let me tell you, what the President's jobs bill does is it comes up with a bipartisan-approved approach to getting this economy moving. I hope we can find a way to do exactly that.

The minority leader talked this morning about trade agreements, and our hope is to bring those up in the very near future. I think it is a good thing. But we made it clear as well that before it could be seriously considered, we needed to take a look at something called trade adjustment assistance. That is a program to help workers who lose jobs because of trade agreements or because of the trade relationship between the United States and another country. I have had it happen in my State. I am sure the Acting President pro tempore from New Hampshire has had the same experience, where people in her State have lost their jobs because of competition overseas or jobs moving overseas. Well, we want to make sure those workers have a fighting chance to pick up new skills and education so they can find another job in this economy and provide for their families.

That was a condition to bringing up the trade agreements. We passed it in the Senate. It is now pending in the House. But we can move to those trade agreements. Let the Senate and House vote accordingly. But the reason it has been delayed—if there has been any delay—is to get that part right. I think the Senate has done that.

So I heartily agree with the conclusion of the minority leader that we should work together in a bipartisan fashion. I suggest the minority leader take a look at the President's jobs act. Most of the ideas there are ideas Republicans have openly endorsed time and time again. I hope they are not going to reject the Obama jobs act because the word "Obama" is in the title. Let them come forward and think about ways, with us, to design an economy that is moving forward rather than to design the next Presidential campaign slogan and bumper sticker. The American people expect us to look beyond campaigns and get something done on the floor of the Senate and the House.

I might differ with the minority leader when it comes to whether we have had gridlock and obstruction here in the Senate, and I would just say for the record that it has become a matter of course, a normal part of the business of the Senate to require 60 votes on virtually everything—60 votes. That is not required in the rules of the Senate. We have reached the 60-vote threshold because of Republican filibusters. If it were simply an up-or-down majority vote, 51 votes would do it. But the Republicans, by threatening filibusters and imposing filibusters, have created a 60-vote requirement. That gives them leverage. It takes away the power of the majority and gives the minority

this new empowerment. But to suggest this has not been used and things have gone along just swell around here—take a look at the RECORD. Three times now we have been knocking on the door of closing down the government and closing down the economy just this year. The American people noticed. They did not like it. Standard & Poor's noticed and downgraded the American credit rating, saying the problem is not the economy, the problem is the political system which is in gridlock in Washington. That is a reality. We can change that, we should change that, and I encourage my colleagues on both sides to look for ways to change that.

#### A CHOICE IN BANKS

Mr. DURBIN. Madam President, yesterday, incidentally, I spoke about Bank of America's decision to impose a \$5 fee on their loyal customers who have debit cards. Bank of America announced that this fee had to be collected because they were going to be restrained in the amount of swipe fees they could charge for people who use debit cards.

Those who follow this issue know the Federal Reserve took a look at this. Every time we use a piece of plastic to pay for something—as a debit card—there is a charge imposed on the retailer—the restaurant, the bookstore, the grocery store, you name it. There is a charge imposed. So we asked the Federal Reserve to take a look at that charge that is being imposed by the credit card companies through the banks, and here is what they found. The actual cost of a bank and Visa or MasterCard processing a debit card transaction is anywhere from 4 cents to 12 cents. Remember when they used to process checks for pennies no matter what the face value was? Well, the actual cost of the debit card—the new checking account, the plastic checking account—is 4 cents to 12 cents a transaction.

Then the Federal Reserve Board said: What are they actually charging the retailers? Madam President, 44 cents is the average charge by the banks and credit card companies for the use of the debit card—more than 10 times the 4-cent rate or more than 6 times the 7-cent rate the Federal Reserve said is the reasonable cost of a debit card transaction—a 600-percent profit they are taking right out of every transaction.

Of course, it means the grocery store, the retailer has to charge more. Imagine someone comes in and gets the special—a cup of coffee and a doughnut at the Rock Island Country Market, which I visited during the break, a 99-cent special. They use their debit card to pay for it. The Country Market is now going to be charged 44 cents for a 99-cent transaction.

So it changed. The world changed last Saturday. The new law went into effect, capping for the largest banks in America the debit card swipe fee at

about 24 cents, splitting the difference. Still these banks are doing quite well. The actual cost of the transaction is 4 cents, 7 cents, 12 cents, and they are going to get 24 cents. Well, you would think they could live with a 100-percent profit on what they are doing. No way. Bank of America said to their loyal customers: Sorry, but because we cannot make as much off the retailers, we are going to nail our customers with a \$5 monthly fee for the debit cards.

Yesterday, I sent a letter to the CEO of Bank of America, Mr. Moynihan. I said to Mr. Moynihan: I have just done the math here, and if your customers pay \$60 a year for their debit cards, you are going to collect more money from your customers than you could possibly have lost because of this change in the law. You are overcharging your customers. It is not fair, and I want you to defend it. Let's see if he does, not just for me but for the people who bank at Bank of America and have debit cards there.

You see, what happened last Saturday is not just a change when it comes to debit card swipe fees. I think what happened last Saturday with this new law is empowering customers and retailers across America.

Now, incidentally, Chase bank, Wells Fargo, and Bank of America have all talked about imposing this debit card fee. If they decide they want to penalize their customers and nail them \$5 a month or \$3 a month, that is their decision. But I hope what happens next is that bank customers across America realize they have the right to change their banks, to move to banks that are not going to nail them with these fees that are driven by greed.

There is good news. There are thousands of banks across America for people to choose from and thousands of credit unions, and most of them—or many of them, I should say—have already stated publicly they are not going to join in with Bank of America in nailing their loyal customers with a debit card fee.

The Press Democrat newspaper in Santa Rosa, CA, on Friday carried an article saying, "Local banks say no to debit card fees." The article lists a number of local banks and credit unions that said they would not copy Bank of America's strategy. The article quotes Tom Duryea, CEO of Summit State Bank. He said:

It's just not something we want to do to our customers. I am not going to nickel-and-dime people over \$5.

Now, that is a man speaking for a bank that I think has a future—a bank that realizes if you treat your loyal customers right, they are going to stay loyal. But if Bank of America has their way and nails their loyal customers with a \$5 monthly fee, I hope some of their customers will think twice about doing business there.

Washington Federal is a regional bank in Washington State. Its spokesperson, Cathy Cooper, was quoted in the Oregonian newspaper saying:

We have absolutely no plans to impose a debit card fee.

On Saturday, the Salisbury Post in Salisbury, NC, ran an article titled: "Bank of America move doesn't prompt local banks to charge debit card users."

It quotes Bruce Jones, CEO of the Community Bank of Rowan, saying that his bank will start running ads touting its lack of fees: "We're really going to promote that," Jones said, "That's such a good piece of business."

The Pennsylvania Credit Union Association put out a statement yesterday and said this on behalf of its 500 credit union members:

Study after study has shown that credit unions overall offer lower fees and better savings rates. The mission of a credit union is to serve its members and not Wall Street.

That is a welcome mentality.

There have even been some large banks that acknowledged the need to treat their customers fairly.

USAA, for example, is a financial institution that serves military personnel and their families. USAA has announced it will not charge consumer debit fees, or checking account fees either.

And the giant Citibank has heavily promoted its position on the issue: Citibank will not charge its customers debit fees.

It is a smart move for these banks and credit unions to treat their customers well when it comes to debit cards. Customers are ready to shop around if they don't.

Across the United States more and more banks and credit unions are making it clear they are not going to nail their customers with a debit card fee.

Now is the time for bank customers across America to say enough is enough. If you do not value me as a customer enough not to charge me a new \$5 monthly fee just for trying to access my own checking account, my own bank account at your bank, I am going to do my business elsewhere. I think that is an important thing to do.

Of course, we need to stay vigilant to make sure America's consumers have good, honest information about how banks are treating them. I will be meeting later this week with the Acting Director of the Consumer Financial Protection Bureau, Raj Date. We will be talking about how to ensure customers know what their rights are when it comes to banking services.

Let me tell you, there are Republicans who hate this agency the way the devil hates holy water. The notion that the customers of America would finally have a voice in Washington keeping an eye on the activities of financial institutions scares the living heck out of some Members of Congress. But many of us believe that the scales have been tipped for too long on the other side, that many consumers are, frankly, at the mercy of these financial institutions and could use an advocate who stands up every once in a while and fights for them.

Holly Petraeus is the wife of General Petraeus, who is now heading up our CIA. She and her husband have certainly given great service to this country. I met with her just a few weeks ago, and she talked about the exploitation of men and women in uniform serving our country by many financial institutions—predatory lending and awful practices. Many of these practices, incidentally, lead to these servicemembers having to take an early discharge from service because they are so deeply in debt. I think that is a scandal, and I am glad Mrs. Petraeus has spoken out on it. She is using this agency, the Consumer Financial Protection Bureau, to come to the assistance and protection of our men and women in uniform. That is a legitimate use of their responsibility. And for those who want to do away with the Bureau, let them explain, if they can, why they think our veterans and our servicemembers do not deserve this kind of protection.

I want to see the Consumer Financial Protection Bureau up and running. I think it is about time we had some advocacy group standing up for men and women in uniform and consumers and retailers across America. I hope we can soon confirm the nominee for the head of that Bureau, Richard Cordray. I have met Mr. Cordray, and he is going to be a smart, effective watchdog for America's consumers. As I said, there are some—particularly on the other side of the aisle—who hate the notion that there would be such an advocate and such a counsel available for consumers. But I think American consumers and families at least deserve to have someone speaking out when they are about to be exploited.

The keys to a well-functioning market are competition, transparency, and choice. When these conditions are present, consumers have a fighting chance and they can thrive. So can small banks and credit unions. I am going to keep standing up for these basic principles. I believe competition and transparency are critical for a free market economy to operate in a just and fair way. It is the right thing to do.

Madam President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Colorado.

#### PROTECTING AMERICA'S PUBLIC LANDS

Mr. UDALL of Colorado. Madam President, before the Democratic whip, the assistance majority leader, leaves the floor, I wish to acknowledge the great work he has done in standing up for consumers and protecting their interests, and it fits the purpose for which I rise today, which is to talk about protecting our public lands and the importance they hold for all of us as Americans. They are really at the heart of the way of life we hold so dear in Colorado. In addition, I would like

to talk about how public lands are important to an issue that all of my colleagues care about; that is, creating jobs.

I know many of my colleagues, including the Acting President pro tempore, understand the value of public lands, but I wish to take a few minutes and list some of the reasons I think they are a vital thread in the fabric of our country.

First, we are a nation of explorers and risk-takers, constantly in search of the next challenge to overcome or the next mountain, literally, to climb. Public lands, especially in the West, are a reminder of this heritage. I wish to also acknowledge in the great Northeast of our country, where the Presiding Officer lives, that we have mountains and we have extensive public lands as well. I know that same spirit is infused in the people of New Hampshire.

But our public lands also benefit our communities across the country through the clean air and the clean water they provide. In urban and rural areas alike, open spaces filter and clean our air and water, improve the environment for surrounding communities, while lowering stormwater management and water treatment costs.

Access to the public lands and the many opportunities they provide is a key reason why many of us choose to live in the West. I know this is particularly true in Colorado, where public lands and outdoor recreation are truly in our blood. It is also one of the reasons Colorado is one of the most active and healthiest States in the country and why I have been encouraging children and families across the Nation to get outside and stay active, especially in our national parks.

The public lands are also, to coin a phrase, in our wallets. When discussing public lands, we cannot forget their importance to our economy. Our public lands have long been a source of economic value, and multiple use is a key component of the management of our public lands. An example: Extractive industries, such as oil and gas development and mining, will continue to be an important part of our economy in the West. But these uses are certainly not the only economic uses of our lands. Outdoor recreation: hunting, hiking, biking—the list goes on and on—are a major use of our lands, and outdoor recreationalists not only enjoy our land, they also support a large and growing industry of supply stores, manufacturers, guides, hotels, and other important businesses.

In fact, in this time of economic uncertainty, outdoor recreation and tourism are two of the bright spots in our economy. I wish to draw attention to the chart I brought to the floor for those viewing the floor of the Senate today. In 2006, the Outdoor Industry Foundation found that biking, hiking, and hunting and all the other outdoor recreational activities add \$730 billion to our economy every single year.

Perhaps most important, this is an area of our economy that continues to grow. It has grown by more than 6 percent in 2011 alone and has outpaced U.S. economic growth more generally. These numbers tell a powerful story of the outdoor recreation industry's contribution to our economy.

We hear a lot about the problems government causes, and there are certainly areas we can reform. We can streamline government, make it more efficient. We can get government out of the way where appropriate, and we can increase oversight where necessary.

But when I was traveling my home State of Colorado over the summer, as the Presiding Officer travels her State, I heard a lot about how government is working. I heard about partnerships between national, State and local governments, private businesses and local stakeholders to preserve and protect our natural resources. These efforts are improving the lives of Coloradans. They are creating jobs. They are making communities better places to live, and they are building future economic opportunities.

I wish to share a couple examples in that vein. In July, I was in the town of Creede, which is in the historic San Luis Valley of Colorado. Among other stops, I met with the Willow Creek Reclamation Committee. This is a wonderful example—this committee—of citizens at the local level coming together to take on a problem to create solutions.

In this committee, there are retired miners, artists, local businesspeople, ranchers, vacation homesteaders and Federal and State officials who are working together to clean up pollution in their watershed.

The narrow valley that is above Creede is lined with abandoned mines. While the area boasts some of the best examples of mining structures one will find in the Western United States, pollution from these abandoned mines hurts water quality. The pollution was so bad that residents in the area feared Creede would be placed on the National Priorities List for a Superfund cleanup, a prospect that any community that has faced it understands would hurt their tourism-based economy.

So, in 1999, the residents formed this committee to do something about it themselves. They worked with the Environmental Protection Agency, the Forest Service, the Department of Agriculture, the U.S. Fish and Wildlife Service, State agencies and many others and developed a plan to clean up their watershed.

The plan they came up with is truly a comprehensive approach that recognizes the full value of their watershed to their community. What struck me most—and again I know the Presiding Officer senses and experiences the same spirit in her home State of New Hampshire—nobody was talking about whether they were a Democrat or Republican. They were not trying to wage political or partisan battles. They saw

a problem affecting their livelihoods. They banded together as a community, partnered with the Federal, State and local government officials and they did something about it. Now their streams are healthier, their land is healthier, and their economy is healthier.

I would like to bring some of that Creede pragmatism to Washington, DC. Our public lands are an invaluable natural resource. I hope we can come together in the Congress with policies and solutions to wisely utilize and conserve them.

In that spirit, let me provide some additional examples of what we could do in the spirit of the people in Creede, CO. One incredibly successful government program that has been instrumental to the growth of outdoor recreation across the country is the Land and Water Conservation Fund or the LWCF. In fact, it has been proven over and over that every \$1 of LWCF funding creates an additional \$4 in economic value.

LWCF was developed on the belief that as we develop and exploit our oil and gas resources, we should set aside also some land for hunting, fishing, and recreation for the enjoyment of future generations. So we as a country set up a mechanism whereby royalties from oil and gas leases were to fully fund LWCF projects.

I have to say, instead of that mission being fully fulfilled, every year those dollars are taken out of LWCF for other unrelated government expenditures, leaving in its wake a huge unmet need in each State across the country. While royalties flow into the government coffers, LWCF has continually been raided, and its authorized \$900 million of funding every year has been fulfilled only twice since 1964. Only twice since 1964 has that full \$900 million been appropriated.

Not only are we robbing future generations of critical open spaces and outdoor recreation, we are underinvesting in our assets, our public lands, that would drive job creation.

I serve as the chairman of the National Parks Subcommittee. I have seen how these funds have been particularly useful to our parks, and there is no better example in my State than the creation of the Great Sand Dunes National Park and Preserve. This magnificent park and preserve was made possible by LWCF appropriations that were obtained with very strong local support.

Great Sand Dunes protects one of our Nation's great landmarks. It is also a source of tourist dollars for the surrounding rural communities. That is why I have joined with several of my colleagues, including Senator BINGAMAN, Senator BURR, Senator BAUCUS, the Presiding Officer, and others, to fight for full funding of LWCF.

The point I wish to emphasize to my colleagues is that when we talk about natural resources, we are not just talking about beautiful landscapes and future generations. There are incredibly

important economic benefits to preserving and protecting these lands.

In that spirit, I wish to briefly discuss another key component of our public lands system—wilderness. Lands classified as “wilderness” are critical to our multiple-use management strategy. Some areas should be preserved as wilderness, just as some areas are better suited to mining, oil and gas development or off-road vehicle use.

Wilderness provides opportunities for backpacking, fishing, hiking, grazing, and hunting, as well as protecting these precious landscapes for future generations. Wilderness also provides opportunities for our veterans to reenter and reconnect and heal. I have a column from the *Denver Post* yesterday that speaks to the ways in which veterans can reconnect to their purpose in life and to reenter society. I ask unanimous consent that it be printed in the *RECORD*.

There being no objection, the material was ordered to be printed in the *RECORD*, as follows:

[From the *Denver Post*, Oct. 3, 2011]

GUEST COMMENTARY: VETS FIND SOLACE IN  
MOUNTAIN FISHING  
(By Shawna Bethell)

You know immediately when you are in the presence of grace. Perhaps in a cathedral of limestone and jeweled glass where centuries of ritual have left the scent of myrrh. Or, equally so, perhaps in the cleft of a canyon surrounded by high-country mountains where waterfalls arc from cut stone.

Perhaps it's where—against the roar of fast-moving water—you hear the quiet voices of two men: one of wisdom and one of youth, speaking quietly of water and fish, war and healing, the conversation flowing easily between the two—a common experience binding them.

There is with fly-fishing a serenity that comes, when the mechanics of the process no longer take thought or effort, and the mesmerizing rhythm of a cast settles into mind and memory. When all else slips away, and the fishing becomes the mission in front of you, then comes peace. Or at least, this is what I'm learning.

In late June, Project Healing Waters—a nationwide fly-fishing program for wounded soldiers and veterans—brought 15 participants from Colorado's Fort Carson and Fort Huachuca in Arizona to fish in the cold spring-melt waters around Silverton. The program is based on the principle of shared time and skill between experienced fly-fishermen and our recently returned soldiers.

Programs vary from region to region, but the basic premise is that during winter months, soldiers are taught to tie flies and build fishing rods, then in the spring and summer months, they are taken out to learn the art of fly-fishing—each component lending itself to a specific method of healing, whether it is learning physical dexterity with damaged limbs or prostheses, or giving soldiers a focus outside their memories or mental trauma.

On the day I was invited to join them, I had the opportunity to witness one of those moments of grace, when a local fisherman and a young soldier shared a conversation. It was not a monumental event, nor was the speech eloquent and tried. Instead, it was simply quiet. And the young man who had been solemn and withdrawn, moving along the stream bank with his head lowered, opened to a man who had seen his own war 40 years before.

I had been told in my initial interview with Gary Spuhler of Colorado Springs, coordinator of the Rocky Mountain Region's chapter of PHW, that he got involved because he wanted to make things better for our returning soldiers, better than the way his generation had returned from Vietnam.

And I think the country as a whole, carrying the regret of that treatment, is reaching out more readily to today's veterans, but listening to the gentle ebb and flow between the two men—the seasoned, high-country fisherman and the young soldier, moving easily from fishing to military life to hope for the future and healing, against the backdrop of broad, sheltering landscapes—I recognized something rare.

We are in a time when Congress is ever trying to decimate protections for our wildlands while at the same time these lands are lending solace to those who have been sent to war in the name of our country. It is not a stretch to say that these rivers and streams are part of what is giving back to the veterans who are coming home.

Each fisherman I spoke with, experienced or beginner, spoke of the sound of the water, the scent of the air, and how the rest of the world falls away when they are out there, taking with it the trauma they carry with them.

There is a healing power that comes from the mountains and streams, and there is healing in taking the time to listen to our military men and women.

Project Healing Waters, combining the two, gives us all a lesson worth learning.

Mr. UDALL of Colorado. It is an inspiring column. It speaks to the power of wilderness and wilderness activities in the context of our veterans returning home from standing for us in places such as Afghanistan and Iraq.

Speaking of wilderness opportunities, just this last week I introduced the San Juan Mountain Wilderness Act, along with Senator BENNET. It is similar to a bill I introduced in the last Congress. My bill would designate—we have a photograph of this wonderfully inspiring area. This bill would designate 33,000 acres in southwestern Colorado as wilderness. It would also designate about 2,000 acres as a special management area and withdraw over 6,000 acres from mineral entry lands within the Naturita Canyon area.

This bill is the work of extensive input and collaboration among and across every imaginable stakeholder group. I wish to particularly note the efforts of former Congressman John Salazar and his staff, who worked with the affected Colorado county commissioners, interested citizens, and my staff in developing this legislation over the last 4 years.

It is crafted to take into account the various ongoing uses of these lands, such as for water supplies and recreation, while also providing strong managerial protection for these sensitive lands. I do not have to tell you, when we see this photograph, among many, that this region of Colorado is blessed with stunning beauty.

Much of the land proposed for wilderness and other protections in our legislation are additions to existing wildernesses such as the Mount Sneffels Wilderness Area and the Lizard Head Wilderness Area. The bill also establishes

a new area called McKenna Peak. This peak presides over imposing sandstone cliffs which rise 2,000 feet above the surrounding area. It also provides important winter wildlife habitat for large numbers of deer and elk, which then draw many hunters from all over the country every year. Over 30,000 recreational user days are recorded annually during hunting season in this one game management unit. That is a significant number of recreational user days.

The bill would also establish the Sheep Mountain Special Management Area. Since helicopter skiing currently exists in this area, the legislation designates the area in a way that protects its wilderness character but still allows this use to continue. This is, in my opinion, the type of flexibility that is a key for sound wilderness protection proposals and is a shining example of how protection can coexist with responsible use.

What I am saying is, the bill has been carefully tailored and crafted to apply deserving protections to these lands. This is how wilderness should and can be done. Between all the benefits—clean air and water, recreation and economic growth—one would think Congress could work together and enact commonsense public lands legislation such as my San Juan Wilderness bill.

But I am frustrated. I know the Presiding Officer is frustrated this Congress has not recognized the opportunities that are before us. Instead of what I saw happening on the ground in Creede, CO, it seems as if our politics inside the beltway are getting in the way of moving our country forward. A prime example of politics getting in the way, at least in the Senate—I will come back to why I say just in the Senate—is a bipartisan bill I have introduced called the Ski Area Recreation Opportunity Enhancement Act. I worked closely with Senator BARRASSO on it. We have an additional 10 cosponsors across the country. In the House of Representatives, Representative BISHOP and Representative DEGETTE have championed this bill.

Our bill would simply clarify that the Forest Service may permit year-round recreational activities, where appropriate, on ski areas on public lands.

It includes no new Federal spending. I think that is an attractive element of the legislation. It would increase the money coming into the Federal Treasury because it would likely increase permit fees.

The bill would boost year-round activity in ski resorts on public lands, providing more opportunities for outdoor recreation, creating jobs in the process and aiding the rural economies that surround ski areas.

The bill is so bipartisan and strongly supported that it passed the House last night by 394 to 0. No House Members voted against the bill.

Despite bipartisan and bicameral support for the bill, and the fact that it



would create jobs, I have not been able to get this bill to a vote on the floor of the Senate. I am tempted to ask unanimous consent that the bill pass, but I will continue to work in the regular order to move the bill to the floor of the Senate and on to passage.

I had a long career—if you want to call it that—as a high-altitude mountain climber before I came to the Congress. That experience prepared me to serve in the House and in the Senate in unexpected ways.

In 1992 I was on the south face of Mount McKinley, known to the people of Alaska as Denali, as well. We were 10 days into what was supposed to be a 7-day climb. We were out of food. The only way to get down was literally to go up and over the top of Mount McKinley.

The lesson I learned in that successful climb was, when you are faced with 20-below temperatures and high winds, the only way home is over the top. You have to work together to accomplish the impossible. When you do work together to accomplish the impossible, you find a way to make it happen.

In some ways I believe that is the choice Congress has to make as we face these challenging times. We can either work together and find a way up and over the summit—passing legislation that will create jobs, fix our budget problems, and start working on the problems Americans face every day—or we can keep fighting with each other, in effect, starving the country of the leadership I know Congress can provide and that we must provide in these challenging times.

Madam President, I close my remarks today by asking my colleagues to join me in passing this straightforward, bipartisan, and commonsense ski areas bill and to support full funding for the Land and Water Conservation Fund. I also ask my colleagues to work with me to enact locally developed wilderness proposals, such as the San Juan Wilderness Act.

As we tackle unemployment and how to grow the economy, let's not forget the important role our public lands can and will play in the future.

I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. JOHANNES. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

#### HONORING OUR ARMED FORCES

NAVY MASTER-AT-ARMS PETTY OFFICER FIRST CLASS JOHN DOUANGDARA

Mr. JOHANNES. Madam President, I rise today to honor a fallen hero—Navy Master-At-Arms Petty Officer First Class John Douangdara of South Sioux City, Nebraska. Petty Officer

Douangdara was part of the East Coast Based SEAL team on the Chinook helicopter that was downed by enemy fire in Afghanistan on August 6, 2011.

He was a dog handler for the SEAL team. He and his combat assault dog led their unit on patrols in order to expose dangerous explosives and hidden enemy combatants. He and 29 fellow servicemembers, and his combat assault dog Bart paid the ultimate price in support of Operation Enduring Freedom. As a dog handler, the East Coast Based SEAL team entrusted their lives to him and to his dog. His first dog Toby was killed in action in Iraq. His second dog Bart would die with him on the helicopter.

The name “Douangdara” can be difficult to pronounce, so his Navy comrades soon gave him the call sign “Jet.” Members of his unit remember him for being trustworthy and always positive. The decorations and badges earned during his distinguished service speak to his dedication and his skill. He received the Purple Heart, the Defense Meritorious Service Medal, the Bronze Star with “V” Device, the Joint Service Commendation Medal with “V” Device, the Army Commendation Medal, the Presidential Unit Citation (2 awards), the Good Conduct Medal (2 awards), the National Defense Service Medal, the Afghanistan Service Medal (3 awards), the Iraq Campaign Medal, the Global War on Terrorism Medal, the Sea Service Deployment Ribbon (3 awards), the Overseas Service Deployment Ribbon (3 awards), the Rifle Marksmanship Medal, and the Pistol Marksmanship Medal.

I am told Petty Officer Douangdara had a joyful disposition and a deep sense of commitment to American ideals that were evident to everyone he encountered. John's high school friends and teachers recall his sense of humor coupled with a competitive desire to win. Participating on the high school mock trial team was one way he directed his very considerable energy.

John was also about helping others. It was not a surprise to those who knew him that his energy, focus, and empathetic nature would lead him to military service and the challenge of working with the Navy SEALs.

John belongs to a very special family. His mother and father escaped from Laos 31 years ago and emigrated to the United States. They settled in South Sioux City, Nebraska, where they grew and nurtured a very respected family. The South Sioux City community honored John with a special memorial service on September 25, 2011. They also named a local park after John.

I know his community and Nebraskans as a whole are enormously proud of his service. I am confident they will provide his family with comfort during this very difficult time.

Today, as we bow our heads with the Douangdara family, I ask that God be with all those serving in uniform and that He bring them home safely.

Madam President, I yield the floor, and I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. INOUE. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. TESTER). Without objection, it is so ordered.

#### HONORING PATRICK DELEON

Mr. INOUE. Mr. President, I rise today to recognize my chief of staff, Dr. Patrick DeLeon, who has helped me to serve the people of Hawaii and our Nation for 38 years. Dr. DeLeon is retiring, but he leaves behind a legacy of work that has greatly improved the lives of many of our citizens in Hawaii, particularly the native Hawaiians, while advancing the professional circumstances of doctors, nurses, and psychologists.

After joining my staff in August of 1973, Pat, a psychologist and attorney, directed my efforts to create and refine health and education policy. In the later years he would also serve as chief of staff for my Washington, DC, office. Pat helped to shepherd legislation related to native Hawaiians, immigrant children, the people of the Pacific, and higher education. Under his service the importance of nurses, psychologists, and other health professionals have been properly recognized.

He has been very active in helping our community college system in Hawaii become full-fledged 4-year colleges. For example, he played a major role in the establishment of a school of pharmacy and a school of nursing at the University of Hawaii's Hilo campus.

Pat also serves as a teacher, a mentor, and psychologist to my staff, a role that will be difficult to replace.

I thank Pat for his decades of hard work, his service to the people of Hawaii and this Nation, and, most importantly, for his friendship.

#### FURTHER CORRECTING H.R. 2608

Mr. INOUE. I ask unanimous consent that the Senate proceed to the immediate consideration of H. Con. Res. 83, which was received from the House.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The assistant legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 83) directing the Clerk of the House of Representatives to make a further correction in the enrollment of H.R. 2608.

Without objection, the Senate proceeded to consider the concurrent resolution.

Mr. INOUE. Mr. President, I ask unanimous consent that the resolution be agreed to, the motion to reconsider be laid upon the table, and that any

statements related to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 83) was agreed to.

Mr. INOUE. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BROWN of Massachusetts. I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

#### CURRENCY EXCHANGE RATE OVERSIGHT REFORM ACT OF 2011—MOTION TO PROCEED

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of the motion to proceed to S. 1619, which the clerk will report.

The assistant legislative clerk read as follows:

Motion to proceed to the consideration of S. 1619, a bill to provide for identification of misaligned currency, require action to correct the misalignment, and for other purposes.

The PRESIDING OFFICER. The Senator from Massachusetts.

#### WORKING TOGETHER

Mr. BROWN of Massachusetts. Mr. President, I appreciate the opportunity to come down to the floor once again to speak to you and the American people. I come to the floor today because there is something that too many people in Washington, DC, are missing right now; that is, we are Americans first.

It is a simple idea but one that seems easily forgotten in politics because Washington has a way of making elected officials act like partisans rather than problem solvers. For example, how can any one Member of the Senate be 100 percent right? I just don't know how that happens. How can they also vote 100 percent of the time with their own party? Do they honestly believe their party is right 100 percent of the time or is it easier than going with the alternative—easier than working together with people whom one doesn't agree with on every single issue?

I ran for the Senate to make a difference, and I believe the voters of this country sent us here to find ways in which we can all agree, to move our country forward and to make things better. Governing wisely doesn't mean spending all our time politicking—making the other side uncomfortable by voting a certain way or taking uncomfortable votes, putting those votes

in the bank for more petty attacks during the election season. But why else would we spend hours and days trying to ram through one-sided bills that can't pass simply to highlight our differences? Is that honestly why we were sent here today? Because there is no Republican bill that is going to pass and there is no Democratic bill that is going to pass. It needs to be a bipartisan, bicameral effort that the President will sign.

We face very huge challenges. That means we must rise to the occasion and rise above politics to accomplish the very big things the American people expect from their elected officials. Our jobs and economic picture, as we all know, is bleak. The line of unemployed workers would stretch across America and back again. Our national debt and deficits are spiraling out of control. Working families are getting squeezed by the high cost of energy, high health care costs, high education costs. Businesses are squeezed by high tax rates, burdensome regulations, and uncertainty about the future and the political leadership in this country. Our housing market is frozen, and the government is making it harder and harder, rather than easier, for borrowers to refinance. Yet with all these challenges we have, the answer here in Washington is just more of the same—more threats, more gridlock, more partisanship. I say enough already, because I have said this back home in Massachusetts and people, I think, greatly appreciate the sentiments: We are Americans first. If we don't work together right now—at this moment in time, right now—then we are going to miss a great opportunity.

We need to focus on jobs. We need to focus on the economy. That is what I have done since the day I got elected. I believe the American people deserve better. They deserve better than congressional gridlock and political gamesmanship. For example, the President—not you, Mr. President, but the President—has given us a jobs bill that isn't perfect, but it is a start. The majority leader has said the Senate might consider the President's package eventually. Really? Eventually? We are in a financial emergency. We are going to talk about creating jobs eventually?

Let's be honest with those who sent us. The current proposal from the President isn't going to pass either Chamber if it relies entirely on tax increases to pay for it. I know it and the Presiding Officer knows it. So when we bring it up, are we going to try to make it better? Are we going to try to pass it?

I urge the majority leader to bring the jobs bill—or jobs bills—to the floor that can actually get 60 votes as well as have a chance of passing in the House. What would they look like? They would look like parts of the President's proposal that actually have bipartisan support and can help our fellow Americans immediately. We should take the things everybody agrees on

and bring them forward now—right now. We could pass a payroll tax cut for both employers and employees. I stood when he said that. I clapped. I agree with him.

We can also pass his version of the Hire A Hero Act that provides tax incentives for employers to hire our heroes who are returning from doing incredible service for our country. It puts them back to work. Their unemployment rate is 25 percent. I am all for it. I clapped again. It is a great idea.

We can get to work on reforming our Tax Code in a way that eliminates loopholes and leads to lower rates. We can do these things. It is possible. Those are the things we agree on and we should be doing immediately—not just bringing a bill forward, knowing it is not going to pass and then spotting a particular person or party for an election season that is so far away that if we don't do something right away, we are going to be in deep trouble and miss the opportunity. We are Americans first. We can do it better and we should do it better.

I have been a little bit discouraged—it seems to go in ebbs and flows—about the ability to actually have an open amendment process. We had to sign a letter to the President guaranteeing we would actually move forward with the trade agreements. Then we had an open amendment process and, quite frankly, I think when it was done, everybody was satisfied that it was just that—an open amendment process—and we got some good suggestions and sent them off to the President. I am eager for those bills to be passed.

We need to allow our Members to offer their own ideas on job creation. There is no one particular person, whether it be the President, the majority leader, the minority leader, or any individual here, who has all the ideas on job creation. Since when? I have a vote, just as each and every one of my colleagues does. I am sure the Presiding Officer has some amendments he thinks would help job growth in his State. I know we have worked on one that was cited by independent groups as being probably the No. 1 way to actually get the economy moving, but we will not even have the opportunity to allow that to be filed as an amendment. Is that right? Of course not.

I have a number of bipartisan pieces of legislation, one of which I just referenced with the Presiding Officer, to help boost our economy in Massachusetts. Whether it is working with our fishermen to protect that industry which provides food for American citizens and throughout the world or whether it is the high-tech sector, bio-farming—you name it—my bills will help solve, as will the Presiding Officer's and others, some of our economic problems. It will not be done overnight, but it is a first step. There is absolutely no reason we can't move forward to have an open amendment process on a bill that will actually create jobs. But they will make a difference in

Massachusetts today, and that is what my constituents sent me here to do.

Secondly, we need to focus on our debt and deficits. They are out of control. When I got here, we had an \$11.5 trillion national debt. It is now up to \$14.5 trillion in a little over 1 year. There is plenty of blame to go around. I hear my colleagues ranting and raving and blaming everybody, but everybody is at fault. Let's acknowledge that and set aside the sniping of whether we should blame this administration or that administration because, quite frankly, it doesn't matter. It doesn't matter at this point. Everyone has contributed, and now everyone needs to work together to solve these very real problems.

I am urging the debt committee to put aside partisanship and remember that we are, once again, Americans first and we have an opportunity right now—right now, in this moment in time—to do it better and to solve these very real problems. We should not get lost in party politics. We should think the way great American leaders have always thought. They didn't waste time scoring points. They took the long view. They thought about leaving a legacy for the next generation and leaving our country in a better place. I know, as the Presiding Officer does, and many others, I have pictures of my children and my family—no grandchildren yet—here in my office in Washington and in my home and in Boston. If we care about the young people in those photos, we should be demanding—absolutely demanding, we should have a lot of the folks who are not in leadership actually get up and demand a bipartisan compromise on the debt, one that finally puts us back on the track toward a balanced budget. As the Presiding Officer knows, because I believe he served with him, before I held this Senate seat, it was held by the late Senator Ted Kennedy and before that it was held by John F. Kennedy. I wish to remind my colleagues that it was President Kennedy who famously said: "Those to whom much is given, much is expected."

The voters have given us so much. They have given us so many opportunities to do it better and to be better in solving our country's very real problems. They have given us a responsibility and an opportunity to come here and work and get something done. Every minute we waste, we let them down. With every petty attack, they get more cynical and expect less and less from the people who serve in this great and historic Chamber. While Washington bickers, their faith in our democracy is waning. So I, for one, challenge the majority leader, the minority leader, and all the Members to finally do something for the American people who need our leadership so badly. Let's work together on these big challenges. Let's renew the faith the people of America have bestowed in us and let's remember we are Americans first and we owe it to them to do it better.

I thank the Presiding Officer. I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 12:33 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. WEBB).

#### CURRENCY EXCHANGE RATE OVERSIGHT REFORM ACT OF 2011—MOTION TO PROCEED—Continued

The PRESIDING OFFICER. Does the Senator from Tennessee wish to be heard on the motion to proceed?

Mr. CORKER. I do.

The PRESIDING OFFICER. The Senator is recognized under the motion to proceed.

Mr. CORKER. Mr. President, I rise to speak about the bill that is about to come before us—the China currency manipulation bill, as many are calling it. I want to speak about this bill because I think it is poor public policy.

I know back home in all of our States people are concerned about the future; I am concerned about the future. People are concerned about manufacturing jobs; I am concerned about manufacturing jobs. But it seems to me what we ought to focus on are those things that will take us to the place we want to be.

I know a lot of times when we are having these types of economic situations, the country turns inward. The country tries to look for other things to blame for the cause of where we are, and I think that is exactly what this bill is doing. Here we have a situation where our economy is slow, we have a financial crisis in Europe that has created tremendous fear in every country in the world. Yet what we are looking at doing in the Senate is creating a trade war with the second largest economy in the world—an economy that is growing rapidly and where our exports to this country grew twice as fast in the year 2010 as it did, on average, with the rest of the world.

To me, Mr. President, this is one of those bills where we cut our nose off to spite our face. It is one of those bills where we try to make it look back home as though we are doing something constructive when what we are really doing is hurting the U.S. economy.

We have three free-trade bills that are coming to the floor—that have

been held up now for over 900 days—and that I think are going to pass. I believe this body is going to embrace them because we know this country is losing market share in the three countries we are reaching an agreement with. We are losing market share in South Korea, we are losing market share in Colombia, and we are losing market share in Panama. In other words, the manufacturers in Tennessee and Virginia and all across this country have a lesser ability to sell their goods into these three countries because these three free-trade agreements are not in place. But it is my sense we are getting ready to do something constructive, in a bipartisan way, and approve these bills.

So what is stunning to me is that we would be actually taking up another bill that would likely hurt trade with the fastest growing other economy and the biggest other economy in the world. By the way, China does manipulate its currency. It does do that. It has something called a managed float. Their financial system is antiquated. It is being liberalized. They understand what they are doing with their currency has to change.

Over the last 5 years, the Chinese currency has actually appreciated relative to our dollar by 30 percent. China knows it has to do even more of that. The fact is, as the standard of living in China improves, people are going to want even greater access to American goods. So what we ought to be doing, instead of trying to create a trade war with a country we want to create better relationships with, is focus on the real problems that exist in China.

There is no question the Chinese Government—the Chinese Government—needs to open procurement policies. As a government, they are a large purchaser of goods. Right now they have laws in place that cause them to purchase those goods from companies that exist in China. We need to cause them to open. The Secretary General, or the person we believe to be the next leader of China, is going to be here in January. This is something our President ought to talk with him about when he comes to visit and create an opportunity for success for our companies in America to be able to sell goods to China.

Secondly, we should focus on intellectual property rights. There is no question Chinese companies take advantage of U.S. companies by stealing intellectual property rights. It exists in almost every area. That is something we certainly should be talking to China about.

Thirdly, we ought to be talking about China investing in this country. The fact is, we would like to see more plants created in this country. We would like to see more manufacturing occur. So, yes, we should be talking to China about making investments in this country.

Lastly, we should certainly be creating avenues for Chinese consumers to

have greater access to American goods. Those are the types of solutions we ought to be talking about, and they can certainly be dealt with at the executive branch level. There are WTO violations we ought to be bringing to the WTO's attention.

This bill, in my opinion, is great in optics. It allows Senators to go back home—by the way, the Senate is supposed to be the cooler place. It is interesting the leadership in the House, where we might expect a bill like this to move out quickly—a hot piece of legislation—has already talked about what bad policy this is. So, hopefully, this bill will not gain traction if it passes the Senate and goes to the House of Representatives. The fact is, this is not the kind of thing the Senate ought to be taking up, and certainly not something the Senate ought to be passing.

We are now in a situation where we have an economic slowdown, the markets are continually getting worse—and have been, especially since August 2—and we have a financial crisis in Europe where contagion with those financial institutions is potentially spreading around the world. Yet the Senate, in its wisdom, is considering a trade war to add to all of that. This is exactly the kind of reaction and behavior that took place in the 1930s. Again, it is almost as if we cannot learn from the past.

Mr. President, I understand that numbers of Senators voted to proceed to this bill, and I understand we ought to have debate on this kind of bill. That is what the Senate is for. But I would encourage all of my colleagues on both sides of the aisle not to have an investment in this bill.

Again, I realize there are numbers of cosponsors, but I would encourage all my colleagues on both sides of the aisle to stand up and to realize this is terrible policy. I know back home it may sound good, but I hope when Americans understand what we are doing is pursuing the wrong issues in the name of trying to make ourselves look good back home, this bill will not see the light of day. Hopefully, we will not have the 60 votes to have cloture on this bill.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. BROWN of Ohio. Mr. President, I hear this over and over and over in this body and in the House of Representatives; that whenever the President of the United States talks about increasing taxes on millionaires—just making their tax rate the same as middle-class taxpayers—the other side yells “class warfare, class warfare, class warfare” against the rich. Yet we know class warfare in this country is being aimed right at the middle class and has cost so many jobs and caused so many people in the middle class to see their incomes remain flat for the last 10 years.

When I hear discussions about trade, I always hear characterizations of pro-

tectionism or trade war; we are in a trade war. Look at the number of jobs we have lost to China in the last 10 years. We don't have to look very far to know every time we go to the store and buy something, it seems darned near everything is made in China. It wasn't that way 10 years ago. It sure wasn't that way 20 years ago.

Ten years ago this body made a mistake—many of us opposed it, and I was in the House of Representatives then—with something called permanent normal trade relations with China—letting China join the World Trade Organization. In those days, there was a relatively small trade deficit with China. A trade deficit means we buy more from them than we sell to them. Today that trade deficit with China is about \$750 million every single day. Every day we buy \$750 million more in products from China than we sell to China.

If we are buying that much more than we sell day after day after day—7 days a week, 52 weeks a year—we end up losing jobs because these are the things we were making in this country.

Never in our history do I remember—and I am not a professional historian, but I have never heard anybody say otherwise on this—that companies in one country would shut their production down—stop producing steel in Steubenville or stop producing chemicals in Cleveland or stop producing cars in Dayton or stop producing glass in Toledo—shut down a plant, move it to another country—often China—and then sell the product back into the home country, back to the United States of America. That is not a ticket for anyone in America to gain middle-class status, and it is not good economic policy. It doesn't put us in the place we need to be.

So when I hear the opponents to this whole idea of leveling the playing field say: Oh, my gosh, the Senate, which is supposed to cool the saucer—whatever that George Washington/Thomas Jefferson saying was—cool the hot tea in the saucer, or however he said that, and then say this is a trade war, that our attempt to simply level the playing field is a trade war, that is just unilateral disarmament. The Chinese understand what a trade war is about.

Let me cite one example real quickly. I was talking to a gentleman who works for paper companies in the United States, including paper manufacturers we still have in Ohio, in Chillicothe and West Carrollton, sort of the Dayton area, and down into Butler County near Cincinnati and other places around the State, and he said the Chinese didn't even have a coated paper industry 15 years ago. That is the kind of paper that is the glossy magazine-type paper. The Chinese started this industry 15 years ago. They buy their wood pulp in Brazil, then ship it to China, and then it is milled in China. Paper is expensive to transport. It is heavy, for the cost of it, and it is bulky, for the cost of it. But the Chinese take wood pulp from Brazil, and

then it is shipped and milled in China and then sold back here.

The labor cost of making paper is only 10 percent of the cost. Yet they can undercut prices here. Why is that? Well, we assume they subsidize water and capital and land and energy. We also know they get a 25-percent additional subsidy because of currency because the Chinese game the currency system. They devalue their currency. They underappreciate, if you will, their currency, meaning they, in a sense, get a bonus.

When they sell anything to the United States, they get a 25-percent discount. So they can undercut American manufacturers that could be even more efficient than they are or, if the United States sells into China, our sellers, our producers, get a 25-percent penalty.

But look at the job loss. This is the whole story. This really is the whole story. We have 10 cosponsors. We have five Democrats—Senator SCHUMER and I and Senators HAGAN, STABENOW, and CASEY—and five Republicans—Senators SNOWE and COLLINS of Maine and Senators SESSIONS of Alabama, BURR of North Carolina, and GRAHAM of South Carolina. This is a bipartisan effort that got 79 votes out of 98 yesterday.

So when I hear the other side say we are starting a trade war, look at this chart. This is California, in the last 10 years, since PNTR—since we set up this relationship with China and allowed China into the World Trade Organization. Look at the job loss. California lost almost a half million jobs. Most of these are manufacturers. Texas lost 232,000. My State lost 103,000 jobs.

These are 103,000 people that saw their plants close. We have lost 50,000 manufacturing plants in this country in the last decade or so. These are 103,596 people, our people. If they lose their job, \$16-an-hour manufacturing, they often lose their health insurance; they often lose their home.

It is easy for us to talk numbers and easy for us, dressed like this and getting paid well to do these jobs, to forget what an individual suffering from this kind of job loss is all about. Imagine a family in Richmond or a family in Columbus, where they lost their job, then they lost their health care, and then they lost their home. They have to go to their 12-year-old daughter and say: Honey, we are going to have to move. We are losing our house. We can't live here anymore.

These are terrible human problems. To dismiss our efforts to try to come to an even, level playing field so we can compete is what we need to do, not using names such as trade war and protectionism and class warfare and all that.

I will conclude my remarks. There will be much more in the next 2 days' debate on these issues.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Under the previous order, all postcloture time is yielded back and the motion to proceed to S. 1619 is agreed to.

#### CURRENCY EXCHANGE RATE OVERSIGHT REFORM ACT OF 2011

The PRESIDING OFFICER. Under the previous order, the clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1619) to provide for identification of misaligned currency, require action to correct the misalignment, and for other purposes.

#### AMENDMENT NO. 694

Mr. REID. The bill having been reported, Mr. President, I have an amendment at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 694.

The amendment is as follows:

At the end, add the following new section:

#### SEC. \_\_\_\_ . EFFECTIVE DATE.

The provisions of this Act shall become effective 3 days after enactment.

Mr. REID. I ask for the yeas and nays on that amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

#### AMENDMENT NO. 695 TO AMENDMENT NO. 694

Mr. REID. I have a second-degree amendment at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 695 to amendment No. 694.

The amendment is as follows:

In the amendment, strike "3 days", insert "2 days".

#### MOTION TO COMMIT WITH AMENDMENT NO. 696

Mr. REID. I have a motion to commit the bill with instructions that is also at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID] moves to commit the bill (S. 1619) to the Committee on Finance with instructions to report back with amendment No. 696.

The amendment is as follows:

At the end, add the following new section:

#### SEC. \_\_\_\_ . EFFECTIVE DATE.

The provisions of this Act shall become effective 6 days after enactment.

Mr. REID. I ask for the yeas and nays on that amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

#### AMENDMENT NO. 697 TO AMENDMENT NO. 696

Mr. REID. I have an amendment to the instructions.

The PRESIDING OFFICER. The clerk will report the amendment to the instructions.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes amendment numbered 697 to the instructions of amendment No. 696 to the motion to recommit.

The amendment is as follows:

In the amendment, strike "6 days" and insert "5 days".

Mr. REID. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

#### AMENDMENT NO. 698 TO AMENDMENT NO. 697

Mr. REID. I have a second-degree amendment at the desk.

The PRESIDING OFFICER. The clerk will report the second-degree amendment.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 698 to amendment No. 697.

The amendment is as follows:

In the amendment, strike "5 days" and insert "4 days".

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. REID. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCONNELL. Mr. President.

The PRESIDING OFFICER. The Republican leader.

#### JOBS BILL

Mr. McCONNELL. Mr. President, for 3 weeks President Obama has been traveling across the country calling on Congress to pass what he calls his jobs bill right away. Here is what he will say in Texas today, if he has not said it already: At least put this jobs bill up for a vote so the entire country knows where every Member of Congress stands. Well, I agree with the President. I think he is entitled to a vote on his jobs bill.

The suggestion that the Senate Republicans are not interested in voting on his jobs bill is not true. I think he is entitled to a vote. It won't surprise anyone to know I do not think it is a good approach, a way that is likely to create jobs, but he has asked for a vote. I think we ought to accommodate the President of the United States on a matter he has been speaking frequently about over the last few weeks and give him his vote.

In fact, they have been calling for this vote with great repetition. His Press Secretary said it on October 3, and David Plouffe, the White House Senior Adviser, said the same thing on September 27. David Axelrod, his top strategist, called for us to have this vote on September 13. The President

himself—let me count the number of times: 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11—12 times the President of the United States himself, over the last few weeks, has called on us to have this vote. As he put it: I want Congress to pass this jobs bill right away. Well, I hope it will not pass because I do not think it is the right direction for the country to take to begin to deal with the joblessness issue, but I do think the President makes an important point—that he is entitled to a vote.

If I were to be given an opportunity by my good friend the majority leader, I would offer the President's jobs bill, which we think would be more accurately described as stimulus 2, sort of a redo of the approach and the bill we approved back in 2009, after which we have lost 1.7 million jobs. Therefore, I would ask consent to set aside the pending motion and amendments in order to offer the amendment which I have just described and hold in my hand at this moment.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, reserving the right to object, I am not going to do a long dissertation on stimulus 1, the jobs bill that, in effect, did so much good for our country. I can't talk about the other 49 States, but I can talk about what the Recovery Act did for the State of Nevada. It basically saved the State of Nevada from going into bankruptcy, hundreds of millions of dollars to help State government stop massive layoffs of teachers and create tens of thousands of jobs in areas such as renewable energy. So that is enough on the American Recovery Act. I thought it was extremely important for Nevada. Other Senators can come and talk about how their own States benefited.

"Right away" is a relative term. The President has been calling for a vote on his jobs bill and rightfully so. Why did he start calling for a vote on his jobs bill? Because there was again one of the long obstructions that took place in the Senate and in the House on an issue that was fairly simple. What was that? Funding the Federal Emergency Management Agency. These devastating floods, tornadoes, hurricanes, and fires had created a situation where FEMA was about to go broke. You would think we could move quickly past that, but, no, we couldn't because something we agreed on in late July—that we would fund the government for the rest of the year—was again brought to the forefront and because the Republicans were threatening to close down the government again. So of course the President was calling for his jobs bill. He recognized that what was going on here in the Senate and in the House was a waste of time; that is, why were we spending time unnecessarily on funding one of the essentials of government; that is, taking care of people who have been devastated by these terrible storms and other calamities.

We have moved very quickly, after we got through that slog caused by the

Republicans, to get FEMA funded and to get the CR extended for 6 weeks. We are now on something that is long overdue: China currency. China has been manipulating its currency for a long time. In the last 10 years, we have lost 2 million jobs because of this. If there were ever a jobs bill, it is this we are doing on the floor right now.

I sponsored the President's bill. I am the one who brought it to the floor. I have announced in a number of speeches I have given out here that I believe we should move to this jobs bill. We need to move to this right away, there is no question about that, but to tack this onto the China currency manipulation legislation is nothing more than a political stunt. We all know that. If we don't, we should know. I am telling everyone. I said I will bring the American Jobs Act to the floor this work period. We have 2 more weeks left in this work period.

Obviously, the Republican leader, my friend, the Senator from Kentucky, wants to do something about the jobs bill. I am glad he does. He wants us to move this forward. So my suggestion would be to modify my friend's unanimous consent request and suggest that we have the permission, for lack of a better word, of the Republicans here in the Senate to immediately move—the motion to proceed would be unnecessary. We could move to that as soon as we finish—you have two choices: either as soon as we finish the China currency legislation or we finish the trade legislation, which Senator MCCONNELL and I have talked about finishing next week. So I would move to modify my friend the Republican leader's consent agreement that we move immediately to the legislation I have introduced on behalf of the President either after we finish the China currency legislation or after the trade bill, whatever my friend would rather do.

The PRESIDING OFFICER. The pending request is a request from the Republican leader.

Mr. REID. I have asked that it be modified.

The PRESIDING OFFICER. Does the Republican leader so modify his—

Mr. MCCONNELL. Mr. President, reserving the right to object, I listened carefully to what my good friend the majority leader had to say, and he was talking about other matters debated at other times—the first stimulus bill, on which I think we probably have a basic disagreement. I think it was almost a total failure. He also talked about the debate we had with regard to the continuing resolution, which was finally worked out on a bipartisan basis. But those are things that occurred in the past.

What I am trying to do here today by suggesting that we vote on the President's jobs bill which my good friend the majority leader has previously introduced and I gather by way of introduction supports, that we honor the request of the President of the United States to vote on it now. He has been

asking us repeatedly over the last few weeks to vote on it now. If my friend the majority leader is saying he doesn't want to honor the President's request and vote on it now but would like to consider voting on it later, that is something he and I can discuss as we decide how to move forward with Senate business.

But I think the President of the United States, whose policies I, generally speaking, do not support—although I am happy to support his initiatives on trade, be they ever so late—is entitled to know where the Senate stands on his proposal that he has been out talking about over and over in the last few weeks, suggesting that we are unwilling to vote on it.

What I am saying is, we don't agree that it is the right policy, but we are more than willing to vote on it. What I hear my friend the majority leader saying is that even though he supports it, he wants to vote on it some other time. Well, the President has been saying he doesn't want to vote on it some other time, he wants to vote on it now.

If my friend is saying we are not going to vote on it now, I would be happy to talk to him and reach an understanding to vote on it later. But my feeling here is that the least we can do for the President is give him a chance to have a vote on his proposal now, as he has requested on numerous occasions. So I will object to the modification, understanding full well the majority leader and I, off the floor, will have further discussions about when we might move to the President's bill and give him the vote he has been requesting.

Mr. REID. Mr. President, further reserving my right to object, there are 14 million people in this country who are out of work.

What a charade we have going on here. We are in the midst of some of the most important legislation we have done this entire year—China currency manipulation—and we now have a proposal that is ridiculous on its face; that is, we vote with no debate on the President's jobs bill. This is senseless. It is unfair to bring this up in this form. We are going to get to this, and we are going to do it either as soon as we finish this China currency or after we finish the trade bills, whatever I can work out with my Republican colleague so that I can move to it. It takes 60 votes to get to this legislation.

The American people, I am sure, can see through this very clearly, that this is nothing more than a political stunt. It is clear we need a full debate on this—we don't need a filibuster—and that time will come very soon, so I object.

The PRESIDING OFFICER. The objection is heard.

The PRESIDING OFFICER. The Republican leader.

Mr. MCCONNELL. Mr. President, if I may elaborate further, we have had a request from the President on multiple occasions to vote on what he calls his

jobs bill and to vote on it now. Just to count again, 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11—12 times the President has asked us, over the last few weeks, to vote on what he calls his jobs bill now. I don't think the President is saying he wants an extensive debate about it; I think he is saying he wants a vote on it. I wanted to disabuse him of the notion that somehow we are unwilling to vote on his proposal. We are more than happy to vote on it.

I understand why my friend the majority leader may have some reservations about going forward. I have read a number of critiques of this legislation by Democratic Senators, one part of it or another. But even though there is bipartisan opposition to the President's jobs proposal, I think he is entitled to a vote. So I am sorry it appears we will not be able to achieve this vote the President has repetitiously asked for over the last few weeks. I would like to give him that vote, and we will be talking to the majority leader about when we might have an opportunity to vote on his proposal, the President's proposal which the majority leader introduced, which he has been requesting us to vote on.

The PRESIDING OFFICER (Mr. FRANKEN). The majority leader.

Mr. REID. Mr. President, the President introduced his jobs bill. Immediately, the Republicans continue their obstruction on issues very simple but maintain the floor. There are things going on here. You just can't automatically move to legislation. We know the Senate procedure takes 60 votes to get on a piece of legislation.

The President was calling upon Congress, and especially the Republicans in Congress, to allow his jobs bill to move forward. As I indicated, we were hung up here on issues that had very little to do with the jobs bill. In fact, we should not have been doing it. All the time, I repeat, we have been hung up on FEMA funding, on the continuing resolution, which should have been approved quickly because we agreed to that last July, but they reneged on that even, and threatened to shut down the government unless FEMA was paid for the way they wanted. We were able ultimately to win that debate, but it took a long time.

So when the President said he wants to move to his legislation right away, he was absolutely candid and forthright. He wanted to clear the unimportant things off the floor—the stalling tactics on the floor—and move to his bill, and that is what we are going to do.

What I would be willing to do, if my friend would be agreeable—would the Republican leader agree to a vote on the motion to proceed to the jobs bill? We could do that. We could interrupt this legislation right here. We could interrupt the trade bills. We could vote on a motion to proceed to the jobs bill.

Mr. MCCONNELL. Mr. President, is my friend propounding a consent agreement or simply asking a question?



Mr. REID. I think if the Republican leader is interested in the subject, I could put it in proper form, but we get the point. To get it on the floor, it needs 60 votes. I would be happy to, if the Republican leader would agree to a vote on a motion to proceed to the jobs bill.

Mr. MCCONNELL. Mr. President, let me say to my good friend, I am prepared to vote on the President's proposal today. If the majority leader wants to vote on it some other day, we can talk about that, about how to move forward with it. But the President has been repeatedly asking us to take it up and vote on it now, and I am prepared to do that. With regard to taking it up some other time and voting on it some other day, we will be happy to talk about that off the floor, as we do frequently on every issue we deal with.

Mr. REID. Mr. President, I am sure that in the immediate future—right away—the American people will see, once again, the Republicans are filibustering measures they shouldn't be filibustering—this time, the jobs bill.

Mr. MCCONNELL. Mr. President, I would just add in closing, I think my good friend's problem—and I sympathize with him—is that there is bipartisan opposition to the President's proposal.

Mr. REID. Mr. President, I heard my friend say that, and I didn't want to get into a long dissertation about bipartisan opposition. There are 53 of us. A majority of Democrats will support the President's jobs bill.

Mr. MCCONNELL. The majority leader just confirmed what I was saying, which is that there is bipartisan opposition to this, and we will discuss at what point the majority leader is comfortable with going forward with this proposal. My only reason for offering it today was to respond to the President's request that we vote on it, and we are prepared to do that. If we can't do it today, we will be happy to discuss, as we always do, the agenda of the Senate and when it would be appropriate to vote on it some other time.

Mr. REID. Mr. President, I know I only have in my head the math I learned from Mrs. Picker at Searchlight Elementary School. But I do know, when we have 53—and I have told everyone here we will get a majority of the Senate—a majority of the Senate, not a majority of the Democrats, a majority of the Senate—that is not very bipartisan opposition to this bill.

Mr. MCCONNELL. Mr. President, I can only quote my good friend the majority leader who repeatedly has said, most recently in early 2007, that in the Senate it has always been the case we need 60 votes. This is my good friend the majority leader when he was the leader of this majority in March of 2007, and he said it repeatedly both when he was in the minority as leader of the minority or leader of the majority, that it requires 60 votes certainly on measures that are controversial.

So it is not at all unusual that the President's proposal of this consequence, that would raise taxes, that would spend  $\frac{1}{2}$  trillion in a second stimulus bill, would have to achieve 60 votes. That is the way virtually all business is done in the Senate, certainly not extraordinarily unusual.

Mr. REID. The American people will see very soon that a majority of the Senate supports the President's jobs bill.

I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WEBB. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WEBB. I ask unanimous consent to speak for 10 minutes and that following my remarks, Senator BARRASSO be recognized.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WEBB. Mr. President, I wish to speak for a few minutes about an amendment I introduced that, in my view, gets to the heart of some of the more troubling Chinese trade policies that are threatening the economic security and the long-term competitiveness of our country.

It is well known that many American companies operating in China are required to transfer their intellectual property and proprietary technology to China as a prerequisite for doing business in that country. I will repeat that they are required to transfer this technology. Despite assurances from the Chinese leadership earlier this year that this was no longer "official" Chinese policy, China does continue to be aggressive and overt in its pursuit of foreign intellectual property as it seeks to develop its own, what it calls indigenous innovation. Companies such as General Electric and Westinghouse, among many others, have been required to transfer proprietary technology to Chinese counterparts in order to do business there.

If a private company has developed technology on its own and it makes a business decision to transfer that technology to a joint venture partner in a place such as China, unless there are national security issues, we are obligated to respect the free marketplace. They may be seeking short-term profits at the expense of long-term competitiveness, but that is a business decision. But it is a different case when the American taxpayer has financed the development of these technologies through Federal funding assistance, and I do not believe it is appropriate to allow those technologies simply to be given away to other countries.

Every American owns a piece of intellectual property that has been financed through taxpayer assistance.

Federal dollars that go to R&D funding, loan guarantees, and public-private partnerships in order to help develop the next generation of technologies here are supposed to be making American businesses competitive and generating American jobs, not helping develop other industries such as those in China. My amendment would prohibit that practice.

Last year, the U.S. Chamber of Commerce issued a report entitled "China's Drive for Indigenous Innovation." The Chamber noted that China's master plan for the development of science and technology "is considered by many international technology companies to be a blueprint for technology theft on a scale the world has never seen before."

The report went on to state that China's "persistent" intellectual property theft is "compounded by the indigenous innovation industrial policies which compel technology transfers in order to have access to the China market."

The New York Times recently reported that Ford Motor Company is looking to share proprietary technologies for electric vehicles in exchange for selling cars in China. The electric vehicle sector has been developed through Federal R&D funding, loan guarantees, and public-private partnerships—costs borne by American taxpayers. In 2009, for instance, Ford Motor Company received a \$5.9 billion loan guarantee from the Department of Energy to advance its vehicle technology manufacturing program.

We see these types of transfers in other industries as well. The Washington Post reported last month that General Electric has transferred valuable aviation avionics technology to state-owned Aviation Industry Corporation of China. Our government has long supported the aviation industry through procurement initiatives and Federal research projects. The fruits of American taxpayer support will now be incorporated into Chinese commercial airliners, in line with China's desire to develop an internationally competitive aircraft industry that could rival American-based Boeing.

We see similar examples of technology transfer in the nuclear energy sector. According to the Financial Times, Westinghouse Electric has transferred more than 75,000 documents to Chinese counterparts as the initial phase of a technology transfer program in exchange for a share of China's growing nuclear market. These documents relate to the construction of four third-generation AP1000 reactors that Westinghouse is building in China.

American taxpayers supported the development of the AP1000 as well as its predecessor, the AP600, through decades of nuclear energy research and development at the Department of Energy. In other words, our taxpayers provided years of government support for the design and licensing of this reactor.

In a January 2010 letter to Obama administration officials, the heads of 19

American business and industry associations wrote of “[s]ystemic efforts by China to develop policies that build their domestic enterprises at the expense of U.S. firms and U.S. intellectual property.” Signatories to that letter included the Business Roundtable, the National Association of Manufacturers, and the U.S. Chamber of Commerce.

I ask unanimous consent that this letter be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

JANUARY 26, 2010.

Hon. HILLARY RODHAM CLINTON,  
*Secretary of State.*

Hon. TIMOTHY GEITHNER,  
*Secretary of the Treasury.*

Hon. ERIC H. HOLDER, JR.,  
*Attorney General.*

Hon. GARY F. LOCKE,  
*Secretary of Commerce.*

Hon. RON KIRK,

*U.S. Trade Representative.*

DEAR SECRETARY CLINTON, SECRETARY GEITHNER, ATTORNEY GENERAL HOLDER, SECRETARY LOCKE AND AMBASSADOR KIRK: We seek your urgent attention to policy developments in China that pose an immediate danger to U.S. companies. The Chinese government has promulgated a series of “indigenous innovation” programs as part of a long-term plan that threaten to exclude a wide array of U.S. firms from a market that is vital to their future growth and ability to create jobs here at home. Given the far-reaching impact of these policies on the American economy, we urge you to make this a strategic priority in our bilateral economic engagement with China.

For several years, the Chinese government has been implementing indigenous innovation policies aimed at carving out markets for national champions and increasing the locally owned and developed intellectual property of innovative products. We are increasingly alarmed by the means China is using to achieve these goals.

Of most immediate concern are new rules issued by the Chinese government in November to establish a national catalogue of products to receive significant preferences for government procurement. Among the criteria for eligibility for the catalogue is that the products contain intellectual property that is developed and owned in China and that any associated trademarks are originally registered in China. This represents an unprecedented use of domestic intellectual property as a market-access condition and makes it nearly impossible for the products of American companies to qualify unless they are prepared to establish Chinese brands and transfer their research and development of new products to China.

This directive targets some of our most innovative and competitive manufacturing and service industries, including computers, software, telecommunications and green technology. Once this system is in place, it is expected to be expanded to other industries. The November directive was followed in late December by the announcement that the government would develop a broader catalogue of indigenous innovation products and sectors to be afforded preferences beyond government procurement (i.e., including subsidies and other preferential treatment). The December announcement, which was issued by four Chinese agencies including the State Owned Assets Supervision and Administration Commission (SASAC), also raises the specter of China subtly encouraging its many state-owned enterprises to discrimi-

nate against foreign companies in the context of procurement, including for commercial purposes.

These particular programs are part of a broader set of government policy initiatives covering, for example, patents and standards, competition policy, encryption and tax, the effect of which is creating barriers to competition in the Chinese market for our most innovative companies.

They also run counter to repeated pledges by the Chinese government to avoid protectionism, including the joint commitment of President Hu and President Obama at their recent summit in November to pursue open trade and investment. Moreover, they do not provide a constructive framework for a positive, cooperative and mutually beneficial relationship.

U.S. economic growth relies in significant measure on access to key international markets. China is the world’s third largest economy and represents a major potential growth market for the United States. A healthy U.S.-China bilateral relationship requires an expanding economic relationship based on mutual openness. Systematic efforts by China to develop policies that build their domestic enterprises at the expense of U.S. firms and U.S. intellectual property is not a framework for a positive and cooperative relationship. Additionally, we are further concerned that such policies, if left unchallenged, will be pursued by other important trading partners, compounding the impact on the U.S. economy.

We respectfully request that your agencies make this issue in particular a strategic priority in your bilateral economic engagement with China; develop, in consultation with the business community and like-minded foreign governments, a strong, fully coordinated response to the Chinese government; and raise this issue with your Chinese counterparts in all appropriate multilateral and bilateral meetings and forums.

With best regards,

Stephen J. Uhl, President and CEO, AdvaMed; Richard R. Vuytsteke, President, The American Chamber of Commerce in Hong Kong; Brenda Lei Foster, President, The American Chamber of Commerce in Shanghai; Harley Seyedin, President, The American Chamber of Commerce in South China; John Castellani, President, Business Roundtable (BRT); Robert W. Hlolleyman, II, President and CEO, Business Software Alliance (BSA); Bob Vastine, President, Coalition of Service Industries (CSI); Gary Shapiro, President and CEO, Consumer Electronics Association (CEA); Calman J. Cohen, President, Emergency Committee for American Trade (ECAT); Dean C. Garfield, President, Information Technology Industry Council (ITI); Robert Barchiesi, President, The International AntiCounterfeiting Coalition (IACC); John Engler, President and CEO, National Association of Manufacturers (NAM); Evan R. Gaddis, President and CEO, National Electrical Manufacturers Association (NEMA); Bill Reinsch, President, National Foreign Trade Council (NFTC); Ken Wasch, President, Software & Information Industry Association (SIIA); Phillip J. Bond, President and CEO, TechAmerica; Grant Seiffert, President, Telecommunications Industry Association (TIA); Peter Robinson, President and CEO, United States Council for International Business (USCIB); Thomas J. Donohue, President and CEO, U.S. Chamber of Commerce.

Mr. WEBB. I am introducing a very simple amendment. It is intended to

protect American innovation and American jobs, and it is intended to make America more competitive and to create jobs here at home. In cases where technologies are developed with the support of the American taxpayer, my legislation prohibits companies from transferring the technology to countries that by law, practice or policy, require proprietary technology transfers as a matter of doing business.

Specifically, it says: A country which, by law, practice or policy, is required to transfer proprietary technology or intellectual property as a condition of doing business in that country will not be the recipient of any of these technologies that were developed with the assistance of the American taxpayer.

Quite simply, if taxpayers supported the development of the technology, they own a piece of it, and it can’t just be given away. The transfer of publicly supported proprietary technologies by American firms to China, and potentially other countries, clearly and unequivocally places the competitive advantage of the American economy at risk.

Our trade laws are designed in order to protect national security, but our economic security is also an element of our national security. Intellectual property in the civilian sector should also be protected. My amendment seeks to do that.

I believe this is an issue every Senator can support.

I thank the Presiding Officer and yield the floor.

THE PRESIDING OFFICER. The Senator from Wyoming.

A SECOND OPINION

Mr. BARRASSO. Mr. President, I come to the floor, as I have repeatedly since the health care bill was signed into law, to offer a doctor’s second opinion about issues related to that health care law.

A group of House and Senate Republican lawmakers, including Senator THUNE of South Dakota, released a startling new report about the President’s health care law. The report is entitled “CLASS’ Untold Story: Taxpayers, Employers, and States on the Hook for Flawed Entitlement Program.” I commend this report to my colleagues.

Many may remember that President Obama’s health care law established a brandnew, Federal long-term care entitlement program. It is called the CLASS Program, the Community Living Assistance Services and Supports Program.

This CLASS Program pays a stipend to individuals enrolled when they are unable to perform daily living activities—dressing, bathing, eating. To qualify for the benefits, an individual would have to pay a monthly premium for 5 years—pay a monthly premium for 5 years—before the Federal Government starts to pay out any of the benefits.

The health care law mandates that the CLASS Program collect individual

premiums for those 5 years before the program actually even starts to pay out benefits.

It sounds pretty good but not so fast. When it comes to the health care law, the American people have come to realize that if it sounds too good to be true, it probably is.

The CLASS Program was supposed to start January 1, 2011—10 months ago. But the Obama administration's officials decided to delay the program because they know it does not work. It is now known that the CLASS Program was an intentionally designed budget gimmick—that is correct: an intentionally designed budget gimmick.

During Senate floor debate of the President's health care bill, I, along with many other Members of this side of the aisle, warned repeatedly—repeatedly—that the CLASS Program is a financial disaster waiting to happen.

The Congressional Budget Office estimated the CLASS Program would reduce the deficit by \$70 billion over a 10-year period. These savings are mythical, and they come from the premium dollars CLASS collects those first 5 years, before it pays out a single penny.

During those first 5 years, the program is not required to pay out any benefits to any individuals. Over its first 10 years, the Congressional Budget Office says this CLASS Program will collect \$83 billion in premiums and only pay out \$13 billion in benefits.

But instead of holding on to the \$70 billion in excess premiums collected to pay for future expenses we know are coming, Members of the Senate—Members on the other side of the aisle—used those same funds to pay for President Obama's health care law.

To add insult to injury, Washington Democrats then tried to claim that the \$70 billion could also be used to pay down the deficit.

The American people immediately saw this claim was irresponsible. Even the Senate Budget Committee chairman, Senator KENT CONRAD from North Dakota, admitted the CLASS Program was “a Ponzi scheme of the first order—something Bernie Madoff would be proud of.” Yet the President and Washington Democrats pushed to include this CLASS Program in the health care law.

This new report provides undeniable evidence that administration officials knew the CLASS Program's design and payment structure were fiscally unsustainable. The Obama administration knew it. Yet they repeatedly ignored the explicit and persistent warnings.

One might ask: Why is that? The only logical explanation is, administration officials chose to hide the CLASS Program's true cost from congressional lawmakers and the American people—all to advance President Obama's ideological health care agenda.

This push to advance an agenda, rather than reasonable patient-centered health care reforms, served only

to create yet another unsustainable entitlement program, an entitlement program this country simply cannot afford. The Obama administration's own Chief Actuary, a man named Richard Foster, repeatedly tried to tell administration officials that the CLASS Program was not fiscally sound. Internal e-mails from Mr. Foster first warned administration officials in May of 2009—well before the health care law was enacted.

According to that report, Mr. Foster's e-mail says:

The program is intended to be “actuarially sound”, but at first glance this goal may be impossible. Due to the limited scope of the insurance coverage, the voluntary CLASS plan would probably not attract many participants other than individuals who already meet the criteria to qualify as beneficiaries.

He went on to say:

While the 5-year “vesting period” would allow the fund to accumulate a modest level of assets, all such assets could be used just to meet benefit payments due in the first few months of the 6th year.

Then, a key sentence:

The resulting substantial premium increases required to prevent fund exhaustion would likely reduce the number of participants, and a classic “assessment spiral” or “insurance death spiral” would ensue.

What does this mean in plain English? It means the CLASS premiums will be too expensive to persuade young, healthy people to participate. It means the CLASS plan's long-term care payout is very enticing to people who know they are going to need the care; healthy people do not participate, sicker people do participate. Individuals in the health care system call this phenomenon adverse selection. When adverse selection occurs, the American taxpayer is at very serious risk of being forced to bail out the program when it fails.

The report goes on to show that Mr. Foster repeated his concerns during the summer of 2009. He writes to another administration official:

I'm sorry to report that I remain very doubtful that this proposal is sustainable at the specified premium and benefit amounts.

He says:

Thirty-six years of actuarial experience lead me to believe that this program would collapse in short order and require significant federal subsidies to continue.

Let me remind everyone that the Chief Actuary is a nonpartisan, high-ranking official at the U.S. Department of Health and Human Services. The Chief Actuary's estimates are critical to understand the health care law's true fiscal impact and long-term viability.

Mr. Foster certainly does not have an ax to grind. He simply offered his analysis based on the data, and the Obama administration ignored it. Not only did Obama administration officials ignore Mr. Foster, they stopped requesting his input. But Mr. Foster was not alone.

In the fall of 2009, the Department of Health and Human Services' Office of the Assistant Secretary for Planning

and Evaluation also raised the red flag. According to the report, one employee wrote in an e-mail on October 22:

Seems like a recipe for disaster to me. . . . I can't imagine that CLASS would not have high levels of adverse selection given the significantly higher premiums compared to similar policies in the private market.

Just a week after Senator THUNE released this stunning new report on the floor of the Senate, media outlets indicated that the Department of Health and Human Services has closed its CLASS Program. Mr. Bob Yee, the CLASS Chief Actuary, announced the closure in an e-mail. He went on to say he would leave his position as the CLASS office Actuary effective immediately. News reports indicated the CLASS office's employees have either been reassigned or asked to leave.

Mysteriously, however, the Department of Health and Human Services issued a statement denying the office was officially closing. In fact, the statement failed to say if and when the CLASS Program would even start. The Obama administration has had 18 months to figure out how to implement this CLASS Program. Recent developments show they are not even close to resolving questions about the program's solvency.

The American people deserve more. The American people deserve the truth. The evidence is indisputable. Administration officials at the Department of Health and Human Services knew the CLASS Program was unsustainable, and they knew it before President Obama signed the health care bill into law. They knew it. Yet this Senate and the House of Representatives and the administration failed in their duty to be honest with the American people and to tell them the truth.

Were administration officials deliberately hiding CLASS's true cost for political gain? This is certainly not the first time during the last several weeks that we have seen troubling reports exposing the administration's tendency to ignore financial warnings. They ignore the warnings so they can advance politically important projects to them—projects that turn into expensive failures, with the American taxpayers being stuck with the bill.

I see this report, this incredible study, as yet one more piece of evidence that the President's health care law must be repealed. It must be repealed and replaced with reasonable, commonsense, and financially sound alternatives: patient-centered reforms that allow individuals to get the care they need, from the doctor they want, at a price they can afford.

I yield the floor.

THE PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I rise in support of amendment No. 680 that we have filed. I am concerned that the bill before us will have only marginal effects on China's manipulation of its currency. My amendment offers a different approach, one which I believe

will be more effective over the long term.

Let me first say, I strongly agree with the sponsors of this bill about the need to send a strong signal to China, and other currency manipulators as well, that massive intervention in the currency markets to gain trade advantage will no longer be tolerated. For the international economic system to work, every country, including China, needs to play by the rules.

Similarly to many of my colleagues, my frustrations with China's trade and economic practices go far beyond currency manipulation. For example, China's failure to protect intellectual property rights, China's industrial policies, their limitations on American investment, and their unfair support and subsidization of State-owned and State-assisted enterprises are all very serious problems we need to address.

So while today we are focusing on currency manipulation, I look forward to working with Senator BAUCUS to examine potential solutions to these problems through Finance Committee hearings on China, which I hope we will hold soon.

The sponsors of this bill assure us that their approach is WTO consistent and will not result in a trade war with one of our largest trading partners. Given the importance of these questions, I wrote Secretary Geithner and Ambassador Kirk to request the administration's views. While they assured us they are reviewing the bill, to date, they have not publicly weighed in one way or the other. It seems to me they need to weigh in. Given that they know the Senate is debating the legislation this week, I think this is very unfortunate. If the administration is going to have any impact on this debate, I would urge them to comment soon.

Even though I have supported similar legislation in the past, I have continuing reservations about this approach. Fundamentally, we must remain focused on one question: Will this legislation actually solve the currency problem with China? After careful consideration, I have come to the conclusion it will not. While well-intentioned, the bill is too focused on unilateral remedial actions. As a result, I fear the bill will only have a marginal effect on China's practices, while at the same time potentially targeting many U.S. exporters for trade retaliation by China.

For example, the Congressional Budget Office scored this bill as generating \$61 million in revenue over 10 years. To put this in context, in 2010 alone, the United States imported almost \$365 billion of goods from China. Given the scope of the problem, I find it difficult to believe that unilaterally imposing an additional \$6 million in antidumping and countervailing duties a year on Chinese imports will compel China to change its currency policies or have any meaningful impact on our trade deficit with China.

Many of the other remedial provisions in this bill require the U.S. Gov-

ernment to take other unilateral actions against China, many of which may actually harm U.S. exporters directly or expose them to potential retaliation by the Chinese. To succeed over the long term, I think we must go in a different direction.

My amendment does just that. My amendment strikes the unilateral provisions while retaining the core of the bill that actually advances our shared goal of combating Chinese currency practices. I agree with my colleagues that the exchange rates and International Economic Policy Coordination Act of 1988 is simply not working. Administration after administration refuses to exercise its authority and deem China a currency manipulator. This is enormously frustrating to all of us, especially since candidate Obama campaigned against China's current currency practices, and after being elected had his own Treasury Secretary testify before Congress that China is, in fact, manipulating its currency. Yet they refuse to act.

So I agree the Congress must tighten the criteria and establish a more objective approach to identifying fundamentally misaligned currencies and designating fundamentally misaligned currencies for priority action.

I supported this goal in the past and continue to today. I also agree we need to hold the Secretary of the Treasury and the U.S. Trade Representative accountable. So I have retained the requirements under this bill that they report to and testify before Congress on their progress. But to succeed over the long term we need to adopt a fundamentally different approach.

We have had some success in the past. For example, during the Bush administration, from 2005 to 2008, negotiations pushed China to appreciate its currency by 20 percent. Unfortunately, the Obama administration has had no such success.

My amendment builds on this successful model but also takes it a step further. First, my amendment directs the Secretary of the Treasury and the U.S. Trade Representative to initiate negotiations in the World Trade Organization and the International Monetary Fund to develop effective remedial rules and actions that will mitigate the adverse trade and economic effects of fundamentally misaligned currencies designated for priority action under this bill, and that will encourage priority action countries to adopt appropriate policies to eliminate the fundamental misalignment of their currencies.

The WTO and the IMF were designed to handle complex issues like currency, so we should start there and work with our allies to devise long-term and effective solutions. Working with like-minded countries, we should be able to agree that when individual members advance their nationalistic interests so aggressively through currency manipulation that they threaten the whole global economy and their own long-

term interests, and their actions need to be addressed.

Many of my colleagues may argue that negotiations in the WTO and IMF will not work. My amendment addresses that potential problem in its second section. It provides that if the Secretary of the Treasury and the U.S. Trade Representative cannot make progress to effectively mitigate the adverse effects of fundamentally misaligned currencies within the WTO and the IMF within 90 days, then the administration shall enter into plurilateral negotiations outside of the WTO and IMF to develop agreements with our friends and allies who are also committed to open and fair currency policies.

These negotiations will need to develop mechanisms to mitigate the adverse effects of priority action country currency policies, and to encourage those priority action countries to abandon their interventions into their currencies.

We have seen multilateral approaches work in the past in combating some of China's unfair trade and economic practices. For example, China changed course on both its aggressive indigenous innovation policies and on efforts to hoard its rare earth materials primarily due to multilateral pressure against the Chinese. These important issues have not been solved and require additional efforts.

But by working with our friends and our allies, we effectively convinced the Chinese Government to take a more constructive approach. Let's build on the successes we have witnessed in recent years. Let's work together to counter, in a systematic and comprehensive way, the efforts of those priority action countries that derive trade advances through current policy.

To be clear, I am not suggesting that the United States violate any of its international obligations. That point is made clear in the amendment. But I am suggesting that the solution to the currency problem cannot be achieved unilaterally, and our negotiators must reach out to our allies to aggressively counter the behavior of China and others. So far the administration has failed to lead on the currency issue. My amendment requires that they do so.

The third section of my amendment helps maintain pressure on the administration to take concrete action. It requires the Treasury Department and the USTR to report to Congress every 180 days following enactment of this bill. In these reports the administration must identify: one, the countries with which the United States is conducting negotiations to mitigate the adverse effects of priority action currencies, and in what international fora or negotiating configurations those negotiations are taking place; two, the remedial rules and actions under discussion in those negotiations; three, any remedial rules that have been adopted and any remedial actions that

have been taken pursuant to those negotiations; and, four, what, if any, additional authority the Secretary or the U.S. Trade Representative needs from Congress to conduct these negotiations and to effectively mitigate the adverse trade and economic effects of fundamentally misaligned currencies or to implement coordinated actions with other countries.

Finally, my amendment sets up a process to immediately take advantage of ongoing international trade negotiations by establishing a new priority negotiating objective of the United States for ongoing and future trade agreements. This new objective requires that each party agree to not fundamentally misalign its currency in a manner that would result in a priority action designation and agree to work together to mitigate the adverse trade and economic effects of fundamentally misaligned currency by non-parties such as China.

For example, if the Trans-Pacific Partnership negotiations are to tackle 21st-century trade and investment issues, as the USTR continues to promise, I think this plurilateral negotiation would be a great place to start to address the challenges of fundamentally misaligned currencies. Working with this group of like-minded countries, we should be able to agree amongst all nine parties that no party will fundamentally misalign its currency.

We should also be able to agree to work together to counter the actions of other countries whose interventions in currency markets destabilize the global economy. We have seen multilateral engagement work in other areas. If we are truly going to solve this currency problem, we need to look at what other efforts have actually produced some results in moving the Chinese off a mercantilist policy course and improve the conditions for American businesses and workers competing against the Chinese.

We can all agree that China's massive interventions in its financial sector and currency have disrupted global trade and that its efforts to benefit China at the expense of others has harmed many countries and workers, including many in our own United States. But I believe rather than merely sending a message to China, we must try and find real, long-term solutions and empower and direct our negotiators to reach out to our friends and allies around the world and finally solve the problem.

If existing institutions are not working, we must modify them. If that is not possible, we must look to create new effective international agreements. The challenge that China's currency interventions present are not just to the United States but to the international economic community. We, the Congress, must demand that the administration launch these critical negotiations so we can avert further damage by currency policies of countries like China.

So I call on my colleagues to join me and to not just send a message but to take actions that could, in fact, produce results. In the end, China itself, as well as its neighbors and trading partners, will benefit from a more open, transparent, and fairly exchanged currency regime. What is at stake is far more than making a statement. We need to actually alter the international agreements and the rules of the game to address the problems of today and tomorrow.

So I urge my colleagues to support this amendment when it comes up. I hope we can get it up once we come to the final agreement on how to proceed on this bill.

I yield the floor.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Mr. President, my main purpose is to address the China currency bill, particularly in regards to the remarks of Speaker BOEHNER and Chairman Bernanke. But there are two other points I wish to make on previous speakers' comments. First, Senator WEBB's amendment.

It is a very important amendment. What it says, of course, is that in cases where commercial technologies are developed with the support of U.S. taxpayers, it prohibits companies from transferring the technology to countries that force proprietary transfers as a condition of doing business. We have seen this over and over.

China, which does not play fair up and down the line, basically gets away with economic murder. One of their techniques is to say to a big American company: We will allow you to sell a ton of stuff to us. You will make lots of money. But in return you must give us your proprietary technology—basically your family jewels.

It is outrageous, and in the long run it weakens America's ability to grow and create jobs. The companies do this because in the 5- or 10-year period in which they have signed the contract, they get a lot of revenue. But it certainly hurts American workers, and it certainly hurts these companies in the long run. But the CEOs probably figure they will be long gone before that money is made. So I want to support Senator WEBB's amendment.

In regards to my good friend from Utah who proposed an alternative, I would say this: We have tried for a decade to get multilateral action. That involves getting China's acquiescence. It is not going to happen. Multilateral action—like saying to the Chinese: Please—has not worked. It will not work. Our legislation is much stronger. It can pass. It got a large vote here this week. It has bipartisan support.

I know Speaker BOEHNER—I will talk about this in a minute—has said he will not take up our bill. But there is going to be huge pressure for him to do so, as I will elaborate later.

So to my good friend from Utah—and I have tremendous respect for him, and I do not doubt for a minute his good in-

tentions, his integrity, his hard work and desire to see things happen. To say to the Chinese: Please negotiate, is a strategy for weakness, is a strategy for failure, and multilateral action will not succeed. The Chinese understand only one thing—I will yield in a brief moment to my colleague for a question or a comment, whichever he prefers.

But the Chinese only understand one thing: being tough; telling them, if they do not discontinue these actions we are going to take action unilaterally on our own. I have been doing this for years. I can tell you, China's policies get worse and worse and worse. As one of my constituents said to me: Uncle Sam, when it comes to China, is Uncle Sam.

To have a policy that involves large multilateral actions and says to the Chinese: Come and negotiate with us, makes no sense at all.

I yield for a brief moment on my time to my colleague from Utah—for a minute or so.

Mr. HATCH. Well, I appreciate that. My colleague has always been very fair and gracious to me. I feel the same way toward him. I understand his deep feelings about this matter. I respect and appreciate them as well. But I am not talking about necessarily negotiating with China directly, other than what we can do. I am talking about dealing with nations that literally are feeling the same way we do, and gradually multiplying our effectiveness by working together—not just sending a message but getting the whole world to start saying: Yes, the United States is right; yes, this group of nations is right. And we can do that even outside of the international organizations that currently exist.

But I would like my colleague to look at that amendment and see—I think he will see some real good in it. I think it will get us farther down the pathway of doing what he knows needs to be done, and I know needs to be done, without necessarily causing a major trade war.

So I just bring that up to my colleague for that purpose, respecting him and what he is trying to do. I think this plural lateral approach I am talking about goes far beyond the IMF and some of the other worldwide organizations; it means really doing effective diplomatic work to bring worldwide pressure to get people to live within certain monetary constraints.

I thank my colleague for yielding.

Mr. SCHUMER. I thank my colleague, and I understand his good intentions and desire to get to the same place, which is to get China to behave fairly. I certainly will look at his bill.

I simply say this: Growing up in Brooklyn, we had to deal with a lot of bullies. The only time bullies give in is when you stand up to them. The proposal my colleague has made does not stand up to China.

The nations of the world have made their opinions clear. Recently, Brazil did. China doesn't care. They will only

care if there are sanctions, tough sanctions that give consequences to their unfair—and usually illegal by WTO standards—action.

Now I want to talk about Speaker BOEHNER's remarks and Ben Bernanke's remarks.

Last night was a milestone in the Senate. For years, the Government of China has been willfully breaking the rules of free trade without provoking a formal response from the U.S. Government—until yesterday. The full Senate for the first time went on record that it wanted to consider formal action to confront China's currency manipulation. It was a lopsided vote, a bipartisan majority of both parties, with 79 Senators in favor. We will spend the next few days debating the particulars, but make no mistake about it, when it comes to China's unfair trade practices, there is a consensus to act in the Senate.

It can be hard at times here to get 79 votes to turn the lights on. When the majority leader and the minority leader vote together to move forward on a major jobs-boosting measure, we should not delay in moving forward. But then today, less than 24 hours after the Senate saw the overwhelming vote in favor of moving forward to finally confront China with real action, the Speaker of the House of Representatives suggested he would not take up the bill if it passes the Senate. He called it dangerous. The Speaker's argument is behind the times. The only thing that would be dangerous would be to continue turning the other cheek while China mounts its assault on U.S. jobs, U.S. wealth, and U.S. manufacturing. Up and down the line, they oppose fair practices. They are mercantilists, maximizing their wealth at the expense of American workers, American companies, and American jobs.

Critics like the Speaker say the bill could start a trade war with China. Well, I have news, Mr. President: We are already in a trade war with China, and it is not going that well. American companies are fighting for survival in the United States and around the globe, battling subsidized Chinese exports with a built-in price advantage of 20 to 40 percent.

We cannot raise the white flag on American jobs, American wealth, and American manufacturing. We can compete successfully against Chinese competition at home and in China and around the world but only—only—if we level the playing field. Our bill helps level that playing field.

There is already a trade war going on, I say to the Speaker. China is cheating to gain unfair advantage. It is about time we do something about it. As Mr. Samuelson said in his article in the Washington Post, the only thing worse than a trade war—and I believe that won't happen because China has more to lose in a trade war than we do, and if they are one thing, they are smart, and they won't cut off their nose to spite their face. They may take

a few sanctions, but they won't create a trade war. The only thing worse than even a trade war is continuing our present policies where, 5 and 10 years from now, America cannot get up off the ground because of unfair Chinese policies.

The House Speaker seems to want to sit out this fight. He seems to want us to take a hands-off approach to China. He says, "This is well beyond what Congress should be doing." I am aghast at that notion, that the Speaker says that fighting for American jobs against unfair practices China foists upon us is well beyond what Congress should be doing. What should we be doing? There is nothing else Congress should be doing except rising to defend American jobs.

If he doesn't believe these practices are unfair, he should just listen—the Speaker should—to Chairman Bernanke. This is what he said this morning:

The Chinese currency policy is blocking what might be a more normal recovery process in the global economy. It is . . . hurting the recovery.

He is the top economist in the land. It is hurting the recovery, I say to the Speaker. That is what Ben Bernanke said. Does the Speaker really think it is beyond what Congress should be doing—to confront something that is hurting the recovery, that everyone who studies it says is unfair, that nobody has come up with a solution to? Multilateral negotiations? Give me a break. China won't budge. We know that.

I find it ironic that the Speaker wants a hands-off approach on China's unfair currency practices considering he, along with the rest of the Republican leadership in both the House and the Senate, just sent a letter a couple weeks ago seeking to meddle in U.S. currency policies. Just 2 weeks ago, the Republican leadership in the House and Senate sent a letter to Chairman Bernanke trying to influence his handling of monetary policies in a highly inappropriate way. It was nothing short of a breach of a protocol that has long been observed, which is that you don't put political pressure on the Federal Reserve because they need to handle monetary policy in an economic way, not a political way. A former Fed official called that attempt to politically meddle in the Fed's independent policymaking outrageous. Politico wrote that the letter was "an audacious move against a central bank that prizes its political independence." A leading economist said that "it crosses a line that shouldn't be crossed."

Let me get this straight. The Speaker and the House leadership feel it is OK to cross the line and try to strong-arm the Fed but it is not OK to have the will to stand up to China. This is totally inconsistent, and it is hard to figure out how you could do one thing one week and say another the next week—unless, of course, the House leadership's goal is to hold back our

economic recovery. I fear to think that. I fear to think their goal is to make sure the economy is so bad that they might do what our Republican leader said was his No. 1 goal: unseat President Obama. I shudder to think that the millions of American households without jobs, with people looking and searching to find a way to provide some dignity for their families, have to be political fodder for a goal to hold the economy back. I don't want to embrace that conclusion, but it is hard to see another explanation for, on the one hand, trying to twist the arm of the Fed when it comes to U.S. monetary policy but when it comes to fighting back against China, to say: Hands off. That is totally inconsistent.

I also find the Speaker's position on this China currency measure strange because if he blocks this measure, he is effectively thwarting the will of his own Members in the House, where there are 225 cosponsors—61 Republicans at last count—for a measure similar to the one being debated in the Senate right now. It is clear there is a consensus in the House very similar to the one here in the Senate. So I urge the Speaker to heed his own Chamber and put this bill on the floor. Don't thwart your own Members who want to support this measure. Give it an up-or-down vote. Even if the leadership doesn't want to vote for it, they should at least allow the will of the House to go forward. They should not suppress the collective will of their Chamber because at the end of the day you have to ask yourself which side you are on.

Two major candidates for President on the Republican side support this legislation. John Huntsman, who just got back from China—hardly known as a radical—said he would sign this bill. I haven't talked to him, but I can tell you, having worked on this issue for 6 years, I am sure that former Ambassador Huntsman is totally frustrated with the Chinese, and he knows that, unfortunately, the legislation introduced by his fellow Utahn doesn't address it and that the Chinese don't react when you ask nicely. They don't react when you ask, period. They only react when there are consequences that are harmful to them if they continue the unfair, anti-free-trade policy.

For some inexplicable reason, the Republican leadership in the House is siding with the Chinese Government. This is not the time to go soft on China. The top economist in the country tells us China is holding back the recovery. Many other economists say that China, in its currency policies, is thwarting and distorting world trade. I have seen some list it as one of the causes for the international recession we have. We know—we know—it costs America in jobs.

I want to relate what I did yesterday. Just one company in upstate New York—and I remind some of the editorial writers and pundits who say this will just move jobs from China to Bangladesh, that they are 5 years behind



the times. We are not talking about jobs that are in labor-intensive industries such as toys, clothing, or furniture. Those are gone, and they are not coming back. They are talking about top-end, middle-size, and smaller size American manufacturers and producers who have to fight with one hand tied behind their back because of Chinese currency.

This company, which makes a ceramic that is put in generators, electric generators, prevents pollution. They have a great ceramic tool. They are doing fine. But a few years ago, China stole it; they just took it. The head of the company told me he didn't mind because his growth was so large just from selling these in the United States and Europe that if China wanted to sell them in China, where they are building lots of powerplants, so be it. But now China is not only producing them for consumption in China—his product—it is producing them to export to America, and this gentleman said he cannot compete with them head to head. But when China gets a built-in 30 percent advantage on intellectual property that they stole, how is he going to survive?

That story can be repeated over and over. Of course China is holding back our recovery. Of course China's policies lose us millions of American jobs and hundreds of billions of dollars of American wealth. And finally this body, in a strictly bipartisan way, with five lead Republicans and five lead Democrats as cosponsors—and we have criticized both Presidents Bush and Obama for their failure to act—this body gets some resolve, and the Speaker says no.

Do you know what, I don't believe his "no" is going to stand. This is an issue the American people know has to happen. This is something they care about—Democrats and Republicans. Look at the polling. There is no partisan divide; it includes both liberals and conservatives. You don't have to have a Ph.D. in economics to know that China is cheating us and playing unfairly with us.

I believe the pressure from Members on both sides of the aisle in the other body and, more importantly, from the American people and manufacturers all over the country could work, could get the Speaker to reconsider his view. And I plead, pray, and hope that it does because there is no greater step we can take to restore jobs in America than to pass this important bill, get it enacted into law, and see, for once, our top-notch American companies be able to compete evenly—a fair fight—with Chinese manufacturers.

I thank the Chair, I yield the floor, and I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. INHOFE. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. INHOFE. Madam President, I ask unanimous consent to speak as in morning business for up to 15 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

#### EPA INSPECTOR GENERAL REPORT

Mr. INHOFE. Madam President, I wanted to come to the floor today because 2 days ago I got the results of an inspector general's report that I requested 18 months ago having to do with the endangerment finding of the EPA. While it is a little bit complicated, I will go back and put this in perspective.

Back in the 1990s, we were asked by the then-Clinton administration to ratify a treaty called the Kyoto treaty. This was a treaty that was aimed at the reduction of greenhouse gases—anthropogenic gases and this type of thing. Well, it didn't pass. It went down 95 to 0 because of two reasons: We all declared in this body we weren't going to ratify any treaty that, No. 1, was damaging economically to the country; and, No. 2, we would treat developing countries differently than developed nations. Of course this missed on both those criteria.

After that happened, it became popular by some of the more radical environmentalist groups who enjoy the overregulation we have so much of in this country to seek the introduction of different bills. We had the McCain-Lieberman bill of 2003 and again in 2005. We had the Warner-Lieberman bill and several others—the Sanders-Boxer bill—and then, I guess, the last one was a House bill called the Waxman-Markey bill.

Anyway, these bills were all aimed at what we can do in this country in order to restrict our use of CO<sub>2</sub>. Obviously—and there is no disagreement on this—if we in the United States unilaterally reduce our CO<sub>2</sub>, it will not affect the CO<sub>2</sub> emissions worldwide because this isn't where the problem lies.

Even when I asked Lisa Jackson, the Obama-appointed Administrator at the EPA, for whom I have a great deal of respect, if we were to pass any of these bills I just mentioned—that would have the effect of the Kyoto treaty but only on the United States in reducing anthropogenic gases—would this have the effect of reducing CO<sub>2</sub> emissions, she said, no, because, as I pointed out, this would only affect the United States.

I would take the argument one step further and say it would have the effect of increasing, not decreasing, emissions because, as our manufacturing base has to find power to generate itself, they have to go where that is. Anyway, I only wanted to bring that up because that effort is still going on today.

With all these bills that have been before us—and at the time of most of them the Republicans were in the majority and I was the chairman of the Environment and Public Works Com-

mittee which had jurisdiction over this subject—I was the one who stood on the floor of the Senate to defeat these bills, and it became easier as each bill came along because people recognized that while the science is in question, the economics are not.

It had been determined by a number of sources—including a branch of the Wharton School of Economics, MIT, and CRA, or Charles River Associates—that the range of the cost of a cap-and-trade bill is always in the range of between \$300 billion and \$400 billion a year.

It is confusing when we talk about these large numbers. Peoples' eyes glaze over. They do not understand, and even I have a hard time understanding how this affects me and my 20 kids and grandkids out in Oklahoma. So I have a system—and I recommend it to my friends in the Senate—that I take the number of family income tax returns that are filed each year—get a current figure—and then I do my math. So this range between \$300 billion and \$400 billion, when we reduce it down to what it would cost each family, is in excess of \$3,000 a year. Even if we were to pass something like this, it still wouldn't reduce the emissions, and that is what we need to get over.

Anyway, when President Obama saw this, he saw there was no way in the world the Senate or the House would pass a cap-and-trade bill. So he decided to do it just by regulation, and we have been talking about overregulation in the Senate. Sometimes we are inclined to think the antibusiness attitude of this administration is just in overtaxation and this type of thing. That is not true. Overregulation is also a killer. In this case, we are talking about the overregulation of something we cannot sustain.

So in order for the President to be able to do through regulation what he could not do through legislation, he had to have what they call an endangerment finding; that is, the Environmental Protection Agency had to come up with a conclusion that CO<sub>2</sub> is dangerous to our health. It is called an endangerment finding.

I was getting ready to go over to a meeting in Copenhagen they have every year. These people who are promoting these programs have these meetings, and I was getting ready to go over there, and we had Administrator Jackson before our committee. I remember looking at her and saying: I am leaving for Copenhagen tomorrow. Shall I assume you are going to have an endangerment finding as soon as I leave town? She didn't answer, but she smiled. She smiles a lot. Anyway, that is what happened when I left.

An endangerment finding has to be based on science, and that is where this inspector general's report came in. Again, this is new stuff, just 2 days ago. I had requested 18 months ago that they look into the endangerment finding to see if this, in fact, is based on science. Of course, they came out with

this report, which was just released. It confirms the endangerment finding, which was the very foundation of President Obama's job-destroying regulatory agenda, was rushed—and I am using their words, “rushed, biased and flawed.” It calls the scientific integrity of the EPA's decisionmaking process into question and undermines the credibility of the endangerment finding.

Keep in mind, we have to have an endangerment finding before we can start regulating all this stuff. Well, the inspector general's investigation uncovered the EPA's failure to engage in the required recordkeeping process leading up to the endangerment finding. That is a requirement by law. So they did not comply with the law at that time. It also did not follow its own peer review procedures. Peer review is something that is required, and they didn't do it.

Administrator Jackson readily admitted way back in 2009 that the EPA had outsourced its scientific review to the United Nations' Intergovernmental Panel on Climate Change.

Now, this is interesting because they are going back to say: All right, you guys. You do the peer review on the very thing you have developed. Well, it doesn't work that way, and I think at that time we were complaining about that. So the EPA still refused to conduct its own independent review of the science, as the EPA inspector general found. Whatever one thinks of the U.N. science, the EPA is still required by its own procedures, by law, to conduct an independent review.

Of course, I have long warned about the IPCC process and what they have been doing in the past. In fact, it was 6 years ago that I sent a letter to Dr. Pachauri, the head of the IPCC, specifically raising the many weaknesses of the IPCC's peer review process. But Dr. Pachauri dismissed my concerns, and here is what Reuters said in their article on how Dr. Pachauri responded to my request. I am quoting now from Reuters:

In the one-page letter, [Pachauri] denies the IPCC has an alarmist bias and says “I have a deep commitment to the integrity and objectivity of the IPCC process.” Pachauri's main argument is that the IPCC comprises both scientists and more than 130 governments who approve IPCC reports line by line.

Now, that is what he said, as reported. As I predicted, it all came apart for the IPCC. On the Senate floor last year I highlighted several media reports uncovering serious errors and possible fraud by the IPCC. This is the United Nations we are talking about. They are the ones that started all this.

ABC News, the Economist, Time magazine, and the Times of London—among many others—reported that the IPCC's research contains embarrassing flaws—using their language—and the IPCC chairman and scientists knew of the flaws but published them anyway. Media reports uncovered a number of

non-peer-reviewed studies that the IPCC used to make baseless claims, including that global warming would—and listen to this; this is the IPCC stuff that has totally been rebuked—melt the Himalayan glaciers by 2035. Didn't happen.

It had 40 percent of the Amazon rainforest endangered by global warming. It didn't happen.

Melt mountain ice in the Alps, Andes, and Africa. It didn't happen.

Slash crop production by 50 percent in North Africa by 2020. It is something that is not even going on.

These embarrassments led to a number of these same publications to demand that the IPCC come clean on the review process of the IPCC.

I am going to read this to let everyone know how serious this is.

The Financial Times, talking about the IPCC:

Now it is time to implement fundamental reforms that would reduce the risk of bias and errors appearing in future IPCC assessments, increase transparency and open up the whole field of climate research to the widest possible range of scientific views.

Time Magazine has always kind of been on the other side of this issue. We might remember, Time Magazine had on their cover this last polar bear standing on the last cube of ice and we are all going to die. Time Magazine, when they talked about the glaciers all melting, said:

Glaciergate is a black eye for the IPCC and for the climate science community as a whole.

The Economist:

This mixture of sloppiness, lack of communication, and high-handedness gives the IPCC's critics a lot to work with.

Newsweek came out:

Some of the IPCC's most-quoted data and recommendations were taken straight out of unchecked activist brochures, newspaper articles, and corporate reports—including claims of plummeting crop yields in Africa and the rising cost of warming-related natural disasters, both of which have been refuted by academic studies. Just as damaging, many climate scientists have responded to critiques by questioning the integrity of their critics, rather than by supplying data and reasoned arguments.

That was in Newsweek. So their analysis was that they are doing all this stuff, and they resort to name-calling and this type of thing because they don't have a logical response for it.

Last year—and keeping in mind this is after I requested the inspector general's report and before; and still 1 year ago in a speech I made right here I said:

There is a crisis of confidence in the IPCC. The challenges to the integrity and credibility of the IPCC merit a closer examination by the U.S. Congress. The ramifications of the IPCC spread far and wide, most notably to the Environmental Protection Agency's finding that greenhouse gases from mobile sources endanger public health and welfare. EPA's finding rests in large measure on the IPCC's conclusions—and EPA has accepted them wholesale, without an independent assessment. At this pivotal time, as the Obama EPA is preparing to enact policies po-

tentially costing trillions of dollars and thousands of jobs, the IPCC's errors make plain that we need openness, transparency, and accountability in the scientific research financed by the U.S. taxpayers.

That was a year before the IG report came out, and it is almost exactly what the IG report said just this last week.

Two months before that speech, I asked EPA Administrator Lisa Jackson to delay the EPA endangerment finding based on Climategate. She told me—and I have a lot of respect for her, by the way. I have professed that many times. She is one whom normally I will ask her a question, and she will come out and give an answer, even though it may be an unpopular answer with her boss, President Obama. She said:

I do not agree that the IPCC has been totally discredited in any way. In fact, I think it is important to understand that the IPCC is a body that follows impartial and open and objective assessments.

She is saying essentially the same thing:

Yes, they had concerns about e-mail. I do not defend the conduct of those who sent those e-mails.

Here, they are talking about Climategate. We all remember those secret e-mails going back and forth between the principals to somehow fraudulently manipulate the science. She goes on to say:

There is peer-review, which is part of the IPCC process. There are numerous groups of teams and independent researchers all a part of coming up with IPCC findings, such that even the IPCC has said that while we need to investigate and ensure that our scientists are to a standard of scientific conduct that we can be proud of, we stand behind our findings.

So they are all whitewashing the work of the IPCC—again, that was before the IG report came out—but it didn't work because there are magazines throughout the world, publications which generally were on the other side of this argument or their side of the argument. The Guardian, for example, talking about Climategate and how they are a disgrace, said:

Pretending that this isn't a real crisis isn't going to make it go away.

The Daily Telegraph said:

This scandal could well be the greatest in modern science.

This is what they are talking about with Climategate.

The Atlantic Monthly:

The stink of intellectual corruption is overpowering.

Let's remember, the economic ramifications of global warming regulations imposed upon the EPA under the Clean Air Act will cost American consumers somewhere in the range of \$300 billion to \$400 billion a year. This is not to mention the absurd result that EPA readily admits they need to hire 230,000 additional employees and spend an additional \$21 billion to implement its greenhouse gas regime if they are not given wide discretion to circumvent the law, and all this economic pain is

for nothing—no gain at all. As the EPA Administrator admitted before our committee, it would have no effect on the overall release of anthropogenic gases.

Also, of note, what happened to the EPA's vow in 2009 that the Agency would commit to high standards of transparency because "the success of our environmental efforts depends on earning and maintaining the trust of the public we serve" or Obama adviser John Holdren's promise that the administration would make decisions based on the best science possible because, as the President said, "the public must be able to trust the science and scientific process informing public decisions." Given what has come to light in this report, it appears the Obama EPA cannot be trusted on the most consequential decision the Agency has ever made.

I have already called upon the committees in the Senate—this would be my committee of which I am the ranking member, the Environment and Public Works Committee—to have an investigation. My gosh, I don't ever recall in the years I have been here an IG report coming out where there weren't numerous hearings to find out and to probe into why they came up with the decisions they made.

I have tried for 10 years now to pursue this thing with the various bills that were introduced to do legislatively—to implement the requirements. Then, when we see they are unable to do it—and if we look around this Senate, there are only about 30 votes now. They don't have half the number of votes to impose cap and trade. They don't have it. It is not here. That is why the President is trying to do it through regulations.

It is kind of interesting, if we put this in perspective. This supercommittee they keep talking about, the 12 people—6 Democrats, 6 Republicans, 3 from the House, 3 from the Senate—their goal is to find \$1.5 trillion in 10 years. We have a President in his own budget—and this isn't Democrats or Republicans or House or Senate. This is the President. His three budgets he came out with have just under a \$5 trillion deficit. That is inconceivable.

I can remember coming down here in the mid-1990s, when President Clinton was in power. The first \$1.5 trillion budget we had, I complained this is not sustainable. Now it is \$1.5 trillion over and above what it costs to run America. Obviously, that can't be done.

So when we stop to think about the fact that it should be fairly easy to find \$1.5 trillion, that would just be his deficit for 1 year to find \$1.5 trillion.

This is kind of hard to follow. But if they were successful in implementing what they could not do by legislation and have a cap and trade, that would cost a minimum of \$300 billion a year; or, multiply that by 10, that would be \$3 trillion.

So we have this supercommittee out there trying to find \$1.5 trillion; at the

same time, they are advocating increasing the cost to America by \$3 trillion. It is not believable.

I think it is very important, and I am on the floor now trying to gather support for having a hearing. We can't have an IG report talking about the flawed product of the EPA, of the IPCC, of the United Nations and not have some kind of investigation. I hope we will be able to do that.

I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. CASEY. Madam President, I ask the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. CASEY. Madam President, I rise to speak this afternoon about the legislation that is before us, the Currency Exchange Rate Oversight Reform Act, which got an overwhelming vote yesterday. There are not many times when a piece of legislation on a specific topic gets the kind of overwhelming support to move forward as we saw yesterday in the vote that took place, and now we are considering the bill.

When you go across Pennsylvania, if you drew a line down the middle of our State and moved to the east, a lot of communities were devastated by flooding. Other than that issue, the No. 1 issue for the people of our State—and I think the people of the United States in total—is the issue of jobs. In their frustration, they look to Washington for action and for solutions. Too often what they see when they turn on the television set or read about what is happening here, they see a lot of fighting, a lot of bickering, a lot of back and forth and, frankly, a lot of politics but not enough action on the question of jobs.

What we have before us is not some esoteric bill about currency, although it is somewhat about that. Obviously, it truly is not that. This is a bill that speaks directly to the frustration Americans feel and I know the people of Pennsylvania feel. There are not many places in Pennsylvania I can go where I talk about this issue of China for many years cheating on currency and us losing lots and lots of jobs because of it. Hundreds and thousands of jobs are lost because of that. There are not many places in our State where I can go to talk about that where the point of view that I express doesn't receive unanimous support.

This is a very real issue for people. This isn't far off. They know that, just as in other aspects of life, especially on something as consequential and significant as international trade—most people understand that when we are involved in that kind of endeavor, we have to play by the rules. Every country should play by the rules. When we have a country as big and as signifi-

cant in the international economy or the international marketplace as China not playing by the rules, cheating time after time after time, giving their workers and their industries an unfair advantage, I think most people know what that means. It is not just a question of fairness and playing by the rules; it is the impact of that cheating, as Americans lose jobs and have lost jobs. So we have to take action. The time is up. We have been talking about this for years. We have been pleading with China in one way or another, urging them, pushing them, but the time for that is over. The time to act is now.

This is a prudent piece of legislation. It does a couple of things. Basically what it does is to at long last help American manufacturers and our workers by clarifying that our trade enforcement laws can and should be used to address currency undervaluation. It also provides an opportunity for us to improve oversight by establishing objective criteria to identify misaligned currencies and imposing tough consequences for offenders. So it doesn't put into place a new rule for international trade; it just says that if you violate the rules, there are going to be consequences and that our Treasury Department and our Commerce Department are going to take action no matter what administration is in office, a Democratic administration or a Republican administration.

I can point to a number of Senators in both parties—and I think I am one of them—who have been urging this administration and the prior administration to take stronger, more decisive action. For a variety of reasons, they haven't done that. That is not to say they haven't been working on it and not to say they haven't been pushing their counterparts in China, but I think we have been far too timid in the approach we take because, again, this isn't some far-off issue. This is about American jobs and whether we are going to stand by and allow more and more—tens of thousands or hundreds of thousands more—American jobs to be lost in the next decade as we have seen hemorrhage from our society in the last 10 years. One of the causes, one of the substantial factors in that job loss—not the only but one—is the cheating China does on its currency.

It is as if we are telling our workers and our companies: Look, we are going to have a foot race with Chinese companies and Chinese workers, and we are going to have this competition, as we have every day in the international marketplace, but China is going to start at the—if this is a 100-yard dash, they are going to start at the 20- or 25- or 30-yard line and then we are going to start the race and see how we do.

It is completely unfair to our workers. It undermines their ability to compete even if they are working as hard as they can, even if they have a high skill level, even if the company has invested time and training in those workers, has invested capital in the

equipment and the technology. Sometimes it doesn't matter what the company does to improve its production, to improve its efficiency. It doesn't matter what the workers do. They can go to school and learn and prepare and get trained. But if they are at a 15- or 20- or 25-percent disadvantage—by the way, those are the lowest estimates. This has been a problem of above 30 percent or higher at times. But no matter what the percentage is, we know there has been a lot of cheating and we know it is costing us jobs. So it is time for action.

This morning at the Joint Economic Committee hearing, we had Federal Reserve Chairman Ben Bernanke. I asked him about currency, and I actually read to him some statements he has made in the past about currency and about the adverse role China has played, the role about which I am as frustrated as any American. I asked him about that. The summation of his comments has been reported already, but in addition to commenting about the impact on our workers and our companies, he talked about the impact of China's currency policies on the global economic recovery. So this isn't just an adverse consequence for America, for the United States, this is an impediment to a full and robust recovery around the world. So this isn't just limited to the impact on our workers and our companies, it has worldwide reach, worldwide impact, and worldwide consequences.

So the United States is unwilling, so far, to crack down on China's currency and to crack down on what I would assert is manipulation. Some will say: Well, it might be something different than that, but I think it is basic manipulation—cheating. I think it is a step we have to take now, to have rules in place for how we react to their cheating and then to have very tough consequences. That is what is in the bill.

Unfortunately, this inability to respond appropriately or assertively or aggressively is one of many, I would argue, pieces of a flawed trade strategy that have been a prevailing point of view over the course of two administrations. We are going to have some debate about trade coming up, and we are going to see some interesting alliances, some interesting coalitions here. But our flawed trade strategy—if we can even call it a strategy—has failed over many years, failed our workers and failed our companies.

We will get to the debate on the trade agreements later, but at least today and this week we can finally make progress on an issue that has cost the American people lots and lots of jobs.

Let me give my colleagues a sense of what could happen if we are able to pass this legislation. In a report dated June 17 of this year from the Economic Policy Institute—one of the many think tanks across Washington of various points of view that have studied

this issue—and I am broadly summarizing, but one of the many conclusions they reached about this issue is that if China revalued its currency by 28.5 percent—now, many would say it is a bigger problem than a 28.5-percent or 28.5-percent advantage their workers and their companies have—if they revalued to that level, at 28.5 percent, the growth in our gross domestic product in the United States would support 1,631,000 U.S. jobs. If other Asian countries also revalued their currency, then 2,250,000 American jobs would be created. So even if someone could prove those numbers are off by 10,000 or 20,000 or even if we could debate the number being off because some might reach different numbers—but I have seen numbers that high, and I have also seen numbers in the hundreds and hundreds of thousands of jobs.

So any policy we can enact here—in this case, being appropriately tough with China on the cheating they do on currency—if passage of legislation such as this, the one we are considering, leads to the creation of 1.6 million jobs just as it relates to having China play by the rules, why wouldn't we pass legislation to do that?

People are saying over and over to us, please do something about jobs. And sometimes the response is, well, we are trying, but we can't get agreement or we are trying, but we don't have all the solutions. We finally have a piece of legislation that will create jobs for sure and has broad and substantial bipartisan support.

We should pass this bill because it will send two messages that are badly needed right now from us to the American people—No. 1, that we are focused on job creation in the near term, not 10 years from now but in the next year or two. So it is a very specific answer to their request of us as their elected representatives that we focus on enacting legislation that will create jobs. Secondly, the message we will send to the American people is that we finally get it. Finally, Democrats and Republicans can come together on a very serious issue of great consequence to families who have been devastated by job loss; that we are finally coming together, Democrats and Republicans, working together to have a unanimous vote on a job-creation bill.

It is that simple. Anyone who tries to make it more complicated than that is probably trying to mislead because it is that simple. We need to focus our attention in the days ahead to get this legislation passed and to finally take action in a way that is directed at job creation in a bipartisan way.

Madam President, I yield the floor and note the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CASEY). Without objection, it is so ordered.

Mr. BROWN of Ohio. Mr. President, I appreciate the Presiding Officer's comments earlier in support of the Currency Exchange Rate Oversight Reform Act of 2011. The Presiding Officer and I—both Democrats—joined by five Republicans and three other Democrats—are the prime sponsors of the Currency Exchange Rate Oversight Reform Act of 2011.

The cloture motion on the motion to proceed was agreed to—the rules in the Senate are sometimes a bit impenetrable, but the cloture motion on the motion to proceed to the bill was agreed to last night with 79 votes out of 98. So there is clear interest in this body to debate one of the most important jobs bills we have seen in front of us, I say to the Presiding Officer, in our almost 5 years in the Senate. I have not seen in my time here another jobs bill be voted on this overwhelmingly, this bipartisanship, that was this important for putting people back to work.

Let me sort of expand on that. First of all, this Currency Exchange Rate Oversight Reform Act of 2011 has broad support from business and labor. It creates jobs without spending taxpayer dollars. In fact, this legislation raises revenue and reduces our deficit, clearly, because when people go back to work, people who are now on unemployment benefits—sometimes receiving food stamps, sometimes getting other subsidies, maybe trade adjustment assistance, which the Presiding Officer has been so involved in—instead, people going back to work will be paying taxes and not be the beneficiaries of those programs. So it is a plus both ways in terms of reducing our government's budget deficit.

Most important, it is in response to an enormous problem, an enormous economic threat, brought on by the Chinese Communist Party Government. Senators SCHUMER, CASEY, SNOWE, STABENOW, SESSIONS, BURR, HAGAN, COLLINS and I have been working closely to bring this bill to the floor. I thank the majority leader, who usually sits at this desk, for bringing this bill to the floor to respond, purely and simply, to China's protectionist trade policies. This is not the United States turning inward and pointing fingers at other countries. This is a response to Chinese protectionism, to Chinese economic policies and trade policies that have been unfair, that cheat—the Chinese have cheated—and that cost us American jobs.

We know when a factory closes—we have had 50,000; Senator SANDERS said earlier today, we have had 50,000 factories close in this country in the last decade or so, not all because of China. I do not blame them nearly for all that. But when a factory closes, we know what it does to a community, whether it is in Harrisburg, whether it is in Sharon, whether it is in Erie, whether it is in Cleveland or Akron or Canton.

I am encouraged by my colleagues on both sides of the aisle who support this bill who see how China's protectionist trade policies have undermined businesses, have disadvantaged manufacturers, and ultimately, most importantly, have cost American jobs. We all know the problem. For years, China subsidized its exports by adopting artificial, manipulated exchange rates not based on market forces. As a result, China's exports to the United States remain cheap, our exports to China remain more expensive. In other words, because they cheat on their currency, a product made in Wuhan and sold in Lima or Dayton, OH, will be cheaper because they have subsidized their production by weakening their currency.

At the same time, if a company in Lima or Dayton, OH, tries to sell into China, the cost of that item is 25 percent more because China has gamed the currency system. So by keeping the value of the renminbi, the RMB or the yuan, the words for the Chinese currency, by keeping the RMB artificially low, China incentivizes foreign corporations to shift production there because it reduces the price of investing in China and makes Chinese exports cheaper.

In this continued devaluation—I use the percentage 25 percent, some economists say it may be as high as 40 percent, but clearly it is that range—they are cheating, they are gaming the system 25 to 40 percent. Think about in Pennsylvania and Ohio, two States that have a lot in common. Think about a company, think of two gas stations on opposite corners. One buys its oil 25, 30 or 35 or 40 percent less expensively, pays a lower price than the competitor across the street. It is clear what is going to happen. The competitor that cannot get the break, get the subsidy, is going to go out of business pretty quickly.

It is that phenomenon that has caused serious harm to the U.S. economy and has cost America jobs. In 1993, the Chinese currency, the RMB, was valued at approximately 5.5 to 1 U.S. dollar. Then, from 1995 to 2005, it was valued at about 8.28 without change during that period. That can mean one of two things: a huge coincidence or blatant currency manipulation.

Our trade deficit with China in 1993 was about \$30 billion, \$40 billion—in that range. Today, we run a deficit 8, 9, 10 times that, of \$275 billion—a bilateral deficit just in our relationship with the Chinese. According to a recent Economic Policies Institute report, since China joined the WTO, the World Trade Organization, in 2001, 2.8 million jobs have been lost or displaced in the United States as a result of the U.S. trade deficit—2.8 million jobs. That is hundreds of thousands in my State. It is tens of thousands in States as small as West Virginia. It is hundreds of thousands in States as large as Pennsylvania.

Currency manipulation is not the only reason China enjoys an enormous

trade surplus, but it is certainly a big part of the reason. From 2005 to the middle of 2008, we started to fight back and were headed in the right direction, however slowly. The Senate overwhelmingly supported a measure offered by New York Democratic Senator SCHUMER and South Carolina Republican Senator GRAHAM that would put tariffs on Chinese imports if the government did not let its currency appreciate.

All it did was it wiped clean the advantage China had created by manipulating its currency. That bill passed the Senate, but it did not pass the House. It was never signed by the President. But what it did do was get China's attention. Beginning in 2005, China began to do a slight currency appreciation, which allowed for a few years of modest progress toward letting its currency appreciate.

But then in the summer of 2008, China abandoned its feigned interest in fairness. It once again fixed the value of the renminbi against the U.S. dollar. Then, in June 2010, China vowed to allow its currency to float more freely against the dollar and other foreign currencies. The Peterson Institute for International Economics found that, despite the intervention appreciation, the RMB is even more undervalued today against the dollar than it was 1 year ago. That is the recent history of China's currency manipulation.

The Chinese, in other words, when they know people are watching, when they see the U.S. Government, with our very strong economy—even when we look weak internally and way too many people unemployed, we are the major economic force on Earth—when they see us doing something, they respond. They start to act a little better. It is a little bit similar to a naughty kid. When the parents are watching, they are going to act better. When the Chinese—we hope our kids do not break the law the way the Chinese do, international trade law, but when we watch them, they behave better. When we exert discipline on them, in other words, we are going to change this law the way they have gamed the system on currency, they begin to let the currency float and let it appreciate and do some better, more fairminded things.

New research by economists at MIT shows how much damage China's trade and export policies have done to our labor market and to our communities. The report shows China imports actually have effects on jobs but also increased use of Federal programs such as the Social Security and disability insurance program. Of course it does. When people get laid off, all kinds of things happen in their lives. They apply for food stamps. They may lose their home, causing, if they are foreclosed on, the values of homes in the neighborhood to decline, and the public schools do not have quite the support. They may not be able to hire one teacher as a result of a handful of people losing their jobs. All those things

happen. So when the Chinese game the currency system and jobs are lost in Pittsburgh or in Dayton, then bad things happen in Pittsburgh and Dayton to those families, to those communities, to those States.

What has been our response when our trading partners use any means necessary—low labor costs, direct subsidies, currency manipulation—to compete? What has been our response? It has been inaction. We have not done very much. It has been adherence to the status quo, and we can no longer afford to do that. Some like the Presiding Officer from Pennsylvania and others of us around here have been beating the drum for a long time that these trade agreements are not fair, that they are not fair to the American worker and to Americans, particularly small manufacturers. Bigger manufacturers kind of take care of themselves. They kind of do it by moving production overseas. Small manufacturers usually cannot do that.

We know what it does to our workers—bad tax law, bad trade law, bad currency policy. This bill is a modest measure. It is not as sweeping as I would like to do. But it is a modest measure that gives our government the tools to fight back. With different parts authored by several of my colleagues, this bill came from two other bills we put together. The bill updates the processes and tools the government would have at its disposal when it comes to countries that are currency manipulators, that are in some ways repeat currency manipulators.

Senator SNOWE from Maine, a Republican, and I, a Democrat, have worked on a part that would immediately designate unfair subsidies as an unfair trade practice. That means jobs for a number of industries: coated paper in southwest Ohio, tires in Finley, OH, aluminum extrusion, tubular steel in northeast Ohio. It means more American manufacturers, from autos to clean energy, can petition the government against unfair subsidies from importing countries.

That measure is combined with comprehensive measures to reform the structural deficiencies in our government's approach to combating currency manipulation. That part of the bill was spearheaded by Senators SCHUMER and GRAHAM. It would improve oversight of currency exchange rates—and I would add Senator STABENOW was involved in that.

It would improve oversight of currency exchange rates. It would ensure that the Treasury Department properly identifies countries that undervalue their currency. Under the Omnibus Trade Act of 1988, the Treasury Department is required to formally identify countries that manipulate their currency for the purpose of gaining an unfair competitive trade advantage. In recent years, Treasury has found that certain country's currencies were undervalued. It was pretty clear and pretty obvious.

Reputable economists from the Reagan administration, from the Carter administration, for years respectable economists were saying these currencies were undervalued 25 percent, 35 percent, some have said as high as 50 percent. It was pretty hard for the Treasury Department to say anything other than these countries' currencies were undervalued.

However, based on the interpretation of the law's legal standard for a finding of manipulation, the finding of the word "manipulation," Treasury has refused and continues to cite such countries as currency manipulators.

Our legislation is bipartisan. As I said, five Republicans, five Democrats are the primary sponsors. It got 79 votes. Three Democrats voted against moving the bill forward yesterday; 16 Republicans voted against it. So it has broad bipartisan support.

But what is amazing is the President of the United States, in either party—President Bush was negligent in finding of manipulation. President Obama has been negligent in finding manipulation. I will give some credit to President Obama in his move, in some cases, of actually doing real enforcement of trade rules and trade laws. It has turned immediately into job growth in the Mahoning Valley, a new steel mill, in Finley with tires, in southwest Ohio with paper. But the President and the Treasury Department have just neglected to do their duty; that is, interpreting and saying China has manipulated currency.

The biannual release of this statutorily required report to Congress is almost a Washington charade. Last year, Secretary Geithner even announced he would delay the report's release. I care less about the exact timing of this report than I do the administration's willingness to be open with Congress and the American people about what it is doing and why it is doing it. But here is why it is important.

Some argue the Commerce Department already has the authority to treat currency manipulation as an export subsidy and apply countervailing duties. But the Commerce Department has tended to also kick these decisions down the road, duck the issue of currency manipulation when it investigates other subsidies. The bill puts an end to that bureaucratic end-around.

I told a story earlier today on the Senate floor. I would like to repeat it, briefly. A trade lawyer representing a southwest Ohio paper company told me China did not even have a coated paper industry, the glossy paper magazines are typically printed on—did not even have that technology until a decade or so ago.

When they started those companies in China, they bought their wood pulp in Brazil, they shipped it to China, they milled it in China, and they sold it back here—at the high cost of transporting something as heavy as paper, as bulky as paper, for the price of paper; it is a pretty expensive move to

ship it from Brazil to China to the United States. The cost of labor is only about 10 percent of the production of paper. Yet China has found a way to underprice Ohio paper and underprice paper made in other parts of the country.

It is pretty clear that is, in part, because they get a 25-, 30-, 35-, 40-percent basically add-on benefit for their price because of currency manipulation. That is why, in part, they are being able to do that. They are probably subsidizing their water, their energy and their land and their capital also, so that they can underprice us. That is why this is so serious.

Ohio workers have lost jobs because China has gamed the currency system. That is all we should need to know. American companies have folded, have gone out of business, because China has cheated on its trade policies, not following the rule of law in the World Trade Organization. That should be enough to get 100 votes in this body.

It got us 79 yesterday. Our bill makes it clear that countervailing duties can be applied when imported goods benefit from currency manipulation as an export subsidy.

The bill would establish new criteria to identify countries misaligning currency—and trigger tougher consequences for those who engage in such unfair trade practices.

We can no longer accept China and other countries doing whatever it takes to make their exports cheaper. We can no longer accept that China continues to mount a massive trade surplus in the United States.

It is time to enforce the trade laws, and it is time the WTO enforces its rules.

Critics claim this bill would ignite a trade war with China. Frankly, they declared a trade war at least one decade ago. If it is not a trade war, critics assert this bill is not compliant with our World Trade Organization obligations.

I have listened to many multinational companies argue our bill will provoke retaliation by China. My question to these detractors is, How can China impose retaliation against something that is, in fact, WTO legal? But since receiving PNTR status and the benefits of WTO membership, China has taken money from American consumers and investors without fully opening its markets to American businesses and workers.

The results are record trade deficits and millions of lost jobs in Ohio and across the United States.

These arguments come from the same proponents of giving China PNTR status and WTO membership, so China would adhere to a rules-based trading system—and they predicted and promised in 2000, when it passed, that China would adhere to a rules-based trading system. They have not been. People care about our exports to China, as do I. Remember, currency undervaluation makes exports harder to sell also. Yes,

our exports have grown in China. But while U.S. exports to China have increased to China, they have not come close to balancing imports from China. Imports from China have grown faster—in fact, about three times as many as we export to China.

Look at our trade deficit with China versus the rest of the world. In 2000, China represented 26 percent of our total trade deficit. Last year, it was just over 70 percent. In the space of 10 years, look how this changed. That is the whole story.

Currency is a big factor that cannot be denied. While many multinational companies don't say it, I think it is clear that even the most ardent proponents of China PNTR are feeling a bit of buyer's remorse because of China's aggressive protectionism.

Others, in criticizing this bill, will say there is nothing we can do to bring back the jobs we have lost—that Americans don't want to work at those jobs anymore anyway. That is a pretty naive view of American manufacturing. My State is No. 3 in manufacturing. California, which has three times the population, and Texas make more than we do.

If we don't act, we are not just talking about jobs in textiles or steel or tires, which are important; we are talking about jobs in clean energy, semiconductors, and auto supplies.

A trade war? WTO compliance? Retaliation? We welcome this debate. I want colleagues to come to the floor—some of the 19 who opposed moving this bill forward, when they say China will start a trade war and talk about WTO compliance and retaliation. The fact is China has been playing that trade war for 10 years.

The American people have been patient as the administration continues a strategy of talk without action. But our patience is up, as more U.S. businesses are undercut and more U.S. jobs are eliminated.

This bill is about economic competitiveness, where everyone is competing in the market by the same set of rules.

I have been to maybe 150 manufacturing plants in my State in the last 3, 4 years. I know American businesses can compete and American workers can compete. Let's make the playing field level, and S. 1619 will help us do that.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. LEVIN. Mr. President, first, I commend the Senator from Ohio for his leadership on this bill. This has been a long time in coming. It is a long battle that is being fought over Chinese unfair trade practices. One of the most significant and damaging unfair trade practices is the manipulation of currency by the Chinese. Senator BROWN is taking the lead in getting this finally rectified. I commend him for it. I know the Presiding Officer, the Senator from Pennsylvania, is also a real fighter in this area, trying to correct the unfairness that has been allowed to exist



when the Chinese currency is manipulated. Senator CASEY, I believe, has been a leader and is an original cosponsor. I am proud to be a cosponsor of the bill.

I have long supported the effort to take action against unfair currency manipulation by our trading partners. I think for at least the last 8 years we have had bills that have been introduced to address the issue of unfair currency manipulation. This is an unfair trade practice that contributes to large U.S. trade deficits and to job loss.

The reality is that when American companies do business in the global marketplace, they are not competing against companies overseas; they are competing against foreign governments that support those companies. That is especially true with foreign governments such as China and, in the past, Japan and other countries that manipulate the value of their currency to keep its value artificially low. Currency manipulation makes Chinese exports unfairly cheap and U.S. products more expensive in China, displacing U.S. production and jobs. This is nothing short, as Senator BROWN has said, of a Chinese Government subsidy, and we should be fighting against it—hard.

Trade creates new jobs when we export. Trade results in the loss of jobs when imports replace goods that were once produced here. When trade deficits rise, we are losing jobs to imports. The reality is, we have been running massive, unsustainable trade deficits with China. Just in the first 7 months of this year, we had a trade deficit of more than \$160 billion with China. That is four times larger than our deficit with any other trading partner. Last year, we exported \$92 billion of goods to China, and we imported an astounding \$365 billion from China. So there is a growing trade surplus, as illustrated by the charts Senator BROWN has presented to us.

China's growing trade surplus with the United States and the rest of the world has been fueled by massive currency manipulation, subsidies, and other unfair trade practices. Estimates are, the Chinese currency is undervalued by up to 40 percent, which makes U.S. goods that much more expensive for Chinese consumers and makes Chinese goods artificially cheap in the United States and around the world. As a result, U.S. imports from China have increased, and U.S. exports to China have been suppressed.

Senator BROWN has gone through some of the numbers, and I will repeat them because I think it is important that every American focus on these numbers and the growth of this trade deficit with China.

In 2001, our trade deficit with China was \$84 billion. It grew to \$278 billion in 2010. According to an Economic Policy Institute study, released in September, this deficit resulted in the loss or displacement of nearly 2.8 million U.S. jobs over that period. The report blamed part of our deficit with China

on their manipulation of its currency, and it is simply long overdue that we enact legislation to end that unfair advantage because the tools we have to combat the problem have been, so far, unequal to the task.

The International Monetary Fund has what it calls articles of agreement. Those articles prohibit countries from manipulating their currency for the purpose of gaining unfair trade advantage. But the words are hollow because the IMF has no means to enforce that prohibition.

Our current laws give the administration, on paper, the power to act to combat currency manipulation. But those laws are easily bypassed and too easily ignored. Both Republican and Democratic administrations have failed to take action. The Treasury Department is required to issue a semi-annual report on international economic and exchange rate policies, in which it could conclude—as almost every independent observer concludes—that China is manipulating its currency. To date, the Treasury Department has never made such a finding since the 1988 Trade Act mandated the report. Instead, what it does—the Treasury Department—is hint, suggests, and sometimes threatens, but it doesn't act.

A couple examples. The Bush administration's 2006 exchange rate report said the following:

China needs to move quickly to introduce exchange rate flexibility at a far faster pace than it has done to date. Given our strong disappointment [5 years ago] and the importance of China to the world economy, the Treasury Department will closely monitor China's progress in implementing its economic rebalancing strategy, remain fully engaged at every opportunity with China, and continue actively and frankly to press China to quicken the pace of renminbi flexibility.

That was the Bush administration 6 years ago. In May of 2011, under the Obama administration, here is what the exchange rate report states:

Treasury's view, however, is that progress thus far is insufficient and that more rapid progress is needed. Treasury will continue to closely monitor—

Those were the same words used 5 years ago. Maybe they took this from the computer and moved it from 2006 to 2011.

the pace of appreciation of the renminbi by China. It is a high priority for Treasury—

Really? That is good news. The trouble is, the facts don't support the statement.

working through the G-20, the IMF, and through direct bilateral discussions to encourage policies that will produce greater exchange rate flexibility.

The failure of administration after administration to do more than closely monitor rather than take action is why Congress must act to pass legislation to require action against foreign countries that are unfairly manipulating their currency.

So the bill before us, S. 1619, the Currency Exchange Rate Oversight Act, which is a bipartisan bill, combines

several earlier currency manipulation bills. It clarifies that U.S. countervailing duty laws can address currency undervaluation, giving American companies and manufacturers stronger tools to fight back against these unfair trade practices. It would also replace the weak and flawed currency provisions in current law with a new framework, based on objective criteria that will require Treasury to identify misaligned currencies and require action by the administration if countries fail to correct the misalignment.

Under this bill, the administration would be required to take specific action if a country with a priority currency designation does not adopt policies to eliminate the misalignment within specified periods of time. For instance, if no policies are adopted after 90 days, the legislation directs the administration to, among other things, prohibit Federal procurement of goods and services from the designated country, unless that country is a member of the WTO Agreement on Government Procurement, of which China is not. After 360 days of failure to adopt appropriate policies, the USTR—the Trade Representative—is required to request a dispute settlement in the WTO with the government responsible for the misaligned currency.

Congress is on record in support of fighting currency manipulation. In 2007, a majority of Senators went on record supporting a currency manipulation bill that was brought up as an amendment to a State Department reauthorization bill. That bill would have imposed tariffs on Chinese imports to compensate for currency manipulation by China. But it was withdrawn by its sponsors in exchange for a promise to develop and vote on a WTO-compliant bill. The pending bill is a WTO-compliant bill. Last Congress, the House of Representatives passed a bill, H.R. 2378, the Currency Reform For Fair Trade Act. That narrower currency manipulation bill made it clear that the Department of Commerce is to fight the illegal subsidization of foreign currencies by using U.S. countervailing duty laws. Unfortunately, the Senate ran out of time at the end of the session and we did not take up the bill.

So the bill before us, S. 1619, will allow us to deal with any country that is found to be manipulating its currency, not just China, which is at the moment the worst offender. In the 1990s and early 2000s, Japan manipulated its currency, and this was a major problem for our manufacturers and put them at an unfair competitive disadvantage vis-a-vis Japanese manufacturers. For instance, when the Japanese Government was intervening in currency markets to hold the yen at 116 yen to the dollar, that translated into an \$8,000 subsidy for every large vehicle imported into the United States from Japan. The market share

gained by Japanese auto manufacturers was to a significant degree the result of the currency manipulation undertaken by the Japanese Government on behalf of its exporters. Because today the Japanese yen is at historic highs, Japanese currency is not an immediate concern. This could change at any time because Japan has recently indicated it is willing to intervene again in currency markets.

So, Mr. President, with both Chambers now on record supporting currency manipulation legislation, there is no reason we should not pass this legislation quickly and send it to the President for his signature. I hope our colleagues will support this bipartisan legislation because it will finally—finally, long overdue, years too late—address the very problematic and costly practice of our trade competitors who manipulate their currencies to create jobs in their countries at the expense of jobs here in the United States.

I again thank Senator BROWN of Ohio for his great work on this bill. I know he and the Presiding Officer, Senator CASEY, and others, including my colleague from Michigan, have been working hard on this bill, and hopefully in the next couple of days it will come to a fruitful conclusion.

I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. BROWN of Ohio. Mr. President, I thank Senator LEVIN. There is no better team in any State in the country than Senator LEVIN and Senator STABENOW. With all the troubles they have had in that State with manufacturing, as has my State, they are always on the right side of these issues and advocating for local companies, especially small companies that feed into the auto supply chain, and for the workers of those companies. So I am appreciative of his leadership for so many years.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WHITEHOUSE. Mr. President, I rise today to speak in support of the Currency Exchange Rate Oversight Reform Act of 2011, and I would note the presence on the floor of one of its principal sponsors, Senator SHERROD BROWN of Ohio, whom I have been very pleased to work with on this legislation.

I am proud to be one of the original cosponsors of this bill, an important piece of bipartisan legislation that will help protect American workers from the trade-distorting effects of currency manipulation. In particular, this legislation will allow us to fight back against policies China has used to gain

an unfair advantage over American manufacturers.

Our American trade deficit with China rose from \$83 billion in 2001—the year China joined the World Trade Organization—to \$273 billion in 2010. That trend is discouraging enough on its own, but it is more troubling to consider that the growing trade deficit ultimately represents goods no longer made in the United States by U.S. workers. In fact, the Economic Policy Institute estimates that the trade deficit with China has cost 2.8 million American jobs over the past decade, including nearly 12,000 jobs in my home State of Rhode Island.

With so many families still struggling with unemployment in the wake of the recession, it is important that we examine just how we came to lose so many jobs to a single country and respond accordingly. It would be one thing if the answer was that China's workers are just more talented, their products are of higher quality, and they have simply bested us in the open market. But that is not the case. The evidence suggests another explanation: that China is gaming the international system.

First, China provides subsidies to critical industries, which likely violates World Trade Organization rules and gives Chinese companies an unfair competitive advantage over American manufacturers.

Second, by restricting exports of their raw materials, China drives up the cost of making products here in the United States.

Third, by turning a blind eye to or even facilitating the rampant theft of American intellectual property, China benefits from what may be the largest illicit transfer of wealth in history.

Finally, of course, China appears to be intentionally manipulating the value of its currency. Indeed, through controlled purchases of massive amounts of U.S. currency, the Chinese central bank has made the value of its currency—the yuan—artificially cheap relative to the U.S. dollar. Economists estimate the yuan is currently undervalued by as much as 28 percent against our dollar. The depressed value makes it 28 percent cheaper to buy goods from China than from the United States and it makes U.S. goods correspondingly more expensive. It is essentially a subsidy for Chinese products and a tax on U.S. products.

This is much more than a problem of abstract economic theory. The consequences of currency manipulation are deeply felt in households in Rhode Island and across the country. In the Presiding Officer's home State of Pennsylvania, in the floor manager's home State of Ohio, and all across the United States, it is felt by families who for generations have contributed to our growth as a nation by going to work every day and building things, from cars and boats to toys and electronics. These workers helped define our American character, from the start of the

industrial revolution at Slater Mill on the banks of Rhode Island's Blackstone River through the first decade of the 21st century. But they have watched in recent years as job after job has been lost to China.

This unfair competition needs to stop. The advantage the undervalued currency gives to Chinese companies has put American manufacturers out of business and middle-class Americans out of work.

The Wall Street Journal reported last week on a study that measured the impact of unbalanced trade with China on communities across the country. The research shows that areas with industries exposed to Chinese import competition have higher unemployment rates and lower wages, and the people in these areas are forced to rely more heavily on government safety net programs.

That study ranked the Greater Providence, RI, area second among regions exposed to competition from China. This comes as no surprise to Rhode Islanders.

Rhode Island was once a world leader in textiles and jewelry manufacturing. But these industries have been hit hard by a flood of cheap imports from China, greatly straining our State's economy. If we regained the nearly 12,000 jobs estimated to have been lost to China over the past decade, our unemployment rate in Rhode Island would drop by two full percentage points.

As I travel around Rhode Island, I have heard time and time again from workers and business owners about the costs of Chinese currency manipulation.

George Shuster is the CEO of Cranston Print Works, a textile manufacturer that traces its roots in Rhode Island back to 1807. He told me:

We know first-hand the impact that China's disruptive policies have had as we have seen factory after factory close their doors around us. Addressing China's manipulation of its currency would be a good first step to bringing our trade policy to where it needs to be to help get American manufacturers moving in the right direction again.

Leslie Taito is the CEO of the non-profit Rhode Island Manufacturing Extension Service. She has worked with a diverse set of manufacturers across the State to help them increase their efficiency and become more competitive. She told me this:

U.S. manufacturers are resourceful, agile, and fully capable to meet national and international demand. Currency manipulation creates an uneven playing field that has cost the United States countless jobs and has dramatically increased our trade deficit. I equate it to telling a boxer to go into the ring with one hand tied behind his back and asking him to come out the victor. Manufacturers in this country aren't asking for special consideration, they just want it to be fair.

Mr. President, this is why I made addressing currency manipulation a central part of my "Making It in Rhode Island" manufacturing agenda, and why I was one of the original cosponsors of

the legislation that is before the Senate today.

The Currency Exchange Rate Oversight Reform Act of 2011 will strengthen the tools that we have at our disposal to counter the actions of countries such as China that choose to manipulate their currency rates. This legislation will first improve the oversight of exchange rates and allow us to identify currencies that are misaligned. For countries found to manipulate their currency values or that fail to correct a misalignment, this law will trigger tough consequences. Our trade enforcement agencies will gain clear authority to eliminate the advantage created by currency manipulation by imposing tariffs on products imported from offending countries. This should send a clear message to China, or any currency manipulator, that if they abuse the currency markets, they will not benefit.

Simply put, this legislation will help level the playing field for American companies. Economists have predicted that a fair market for our exports would reduce our annual trade deficit by between \$100 billion and \$200 billion. The resulting increase in production would add over one-quarter of \$1 trillion to our GDP and create up to 2.25 million American jobs.

Are the Chinese squawking about this? Are the big multinational corporations who have no allegiance to any flag or nation squawking about this? Yes. Of course, they are. America has for too long been taken advantage of, allowing the wiles of others to erode our wealth. The winners at a rigged game will always object when the other party gets wise to the fact that the game is rigged and begin to do something about it.

But if we are to solve the problem of China's currency manipulation and stand up for American companies, American manufacturers, and American workers, we should pass this legislation.

I applaud my colleagues from both sides of the aisle for their work on this bill, and I commend in particular Senator SHERROD BROWN of Ohio who is here on the Senate floor managing the bill right now.

I yield the floor.

Ms. COLLINS. Mr. President, with unemployment stuck at 9.1 percent, and consumer confidence plummeting, we must take action now to help put Americans back to work.

Our Nation's job creators have been telling us for some time that the lack of jobs is largely due to a climate of uncertainty, most notably the uncertainty and cost created by new Federal regulations.

America needs a "time-out" from regulations that discourage job creation and hurt our economy. If a proposed rule would have an adverse impact on jobs, the economy, or America's international competitiveness, it should not go into effect.

Today, I am filing an amendment to provide a 1-year moratorium on final

rules that could have an adverse effect on the economy. The amendment is based on S. 1538, The Regulatory Time-Out Act, which I introduced last month with 16 of my colleagues. The timeout would cover major rules costing more than \$100 million per year, and other rules that have been considered "significant" under Executive orders going back to President Clinton and followed by President George W. Bush and President Obama.

The point of my amendment is to provide job creators with a sensible breather from burdensome new regulations. This would give businesses time to get back on their feet, create the jobs that Americans so desperately need, and enhance the global competitiveness of American workers.

This moratorium would also provide us with the time we need to review and improve the regulatory process. Earlier this year, I proposed the CURB Act, which stands for clearing unnecessary regulatory burdens, which would reform the regulatory process in several important ways. Many of our colleagues have also introduced regulatory reform proposals, and the Homeland Security and Governmental Affairs Committee has already held three hearings on the topic this year. I expect this issue will be a priority for our committee this fall.

In sports, a "time-out" gives athletes a chance to catch their breaths. American workers and businesses are the athletes in a global competition that we must win. Our workers need policies that will get them off the sidelines and back on the job. Our economy needs a time-out from excessive and costly regulations. My amendment will provide this needed time-out. I am pleased that Senators BLUNT, COATS, COBURN, ENZI, HUTCHISON, and THUNE have joined me in offering this amendment, and I urge my colleagues to support it.

Mr. President, I rise today to speak in favor of the Currency Exchange Rate Oversight Reform Act, which I was pleased to join with Senators BROWN of Ohio, SCHUMER, GRAHAM, SNOWE, and others in introducing. This legislation will ensure that the U.S. government finally gets tough with countries, like China, that manipulate their currency to gain an unfair trade advantage.

Maine's manufacturers and their employees can compete with the best in the world, but not when the competition is gaming the system to get a leg up. Time and time again, I hear from Maine manufacturers whose efforts to compete successfully in the global economy simply cannot overcome the practices of illegal pricing and subsidies of countries such as China. The results of these unfair practices are lost jobs, shuttered factories, and decimated economies.

A recent study by the Economic Policy Institute estimates that between 2001 and 2008, the U.S. trade deficit with China eliminated or displaced 2.8 million American jobs, including 9,500 jobs in the State of Maine. China's pol-

icy of intervening in currency markets to limit the appreciation of its currency against the dollar has played a major role in driving this deficit by making Chinese exports cheaper and imports more expensive.

The bill that we are now considering is an important step toward holding accountable countries, such as China, that manipulate their currency for the purpose of gaining an unfair trade advantage. I thank the leader for bringing this bill to the floor, and I urge my colleagues to support this legislation.

#### CLOTURE MOTION

Mr. REID. Mr. President, I have a cloture motion at the desk.

The PRESIDING OFFICER (Mr. BENNET). The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

#### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on S. 1619, a bill to provide for identification of misaligned currency, require action to correct the misalignment, and for other purposes.

Harry Reid, Sherrod Brown, Charles E. Schumer, Al Franken, Jeanne Shaheen, Kay R. Hagan, Robert P. Casey, Jr., Richard J. Durbin, Michael F. Bennet, Richard Blumenthal, Carl Levin, Kent Conrad, Jim Webb, Benjamin L. Cardin, Sheldon Whitehouse, Tom Harkin, Daniel K. Inouye.

Mr. REID. Mr. President, I ask unanimous consent that the mandatory quorum under rule XXII be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### MORNING BUSINESS

Mr. REID. I ask unanimous consent that the Senate proceed to a period of morning business, with Senators allowed to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### FOREST JOBS AND RECREATION ACT

Mr. INOUE. Mr. President, this summer my wife and I spent some time visiting the forests in the Rocky Mountains and we were horrified at the rate of dead and dying trees throughout the region from the mountain pine beetle epidemic. Upon returning to the Senate and visiting with my colleagues, I learned that Montana has almost 5 million acres of trees impacted by this epidemic. Additionally, Wyoming has approximately 3½ million acres also impacted by this epidemic. These forests are in dire need and we must step up and empower the Forest Service to address this looming issue. The tactic of waiting for these trees to decompose while we solve our forest management battles does not work. While we wait, the timber infrastructure which can address this problem is also dying and

those jobs will be lost forever. The cost of performing timber work in the future will become more and more cost prohibitive, consuming the Forest Service budget.

We must step up and help our forest communities with this problem by providing the timber industry new tools and piloting different tactics to address these red and gray forests, all while balancing the needs of conservation. We must do this while restoring these lands and setting aside other lands for future generations. I believe Senator TESTER's Forest Jobs and Recreation Act accomplishes this aim by designating 666,000 acres of wilderness for hunting, fishing, and hiking. This bill also puts another 375,000 acres into areas specifically for recreation so people can bike, ride, and snowmobile in more places. Additionally, this bill focuses on recovering our forests from the impacts of beetles and restoring these woods to prime habitat for fish, birds, and big game. All of this will create much-needed jobs, healthier forests, and more opportunities for outdoor recreation—and the economy it supports.

Decisions on how to use and protect our natural resources are never simple or clear cut. They require commitment and fortitude. They force conversations and compromise. They make us stronger by overcoming differences and looking toward the future. That is something the U.S. Senate could reflect upon. Senator TESTER's collaborative approach of listening to his constituents who came together and found solutions to the problems facing their communities is a positive example of people working together to achieve their common goals of bettering this landscape for future generations. We cannot wait. The dead and dying trees become more of a hazard each day and the ability of mills to make something from this decomposing product will not last. The more proactive we can be, the less this will cost us in the long run.

Senator TESTER's efforts and collaborative approach to address the beetle epidemic should be commended. This is why I am a cosponsor of S. 268, the Forest Jobs and Recreation Act, introduced by Senator TESTER.

#### EXPANDING DIVERSITY OF AMERICA'S AIRWAVES

Mr. MENENDEZ. Mr. President, the lack of diversity in our Nation's radio and television media ownership is a far cry from the reality in which we live. Multilingual and multicultural stations are critical to the fabric of communities all across this country, yet their access to the airwaves increasingly has been disappearing.

It is clearly in the best interest of our democracy that media ownership reflects the wealth of this Nation's diversity.

That is why today I pause to applaud Clear Channel and Minority Media and Telecommunications Council, MMTC,

for their efforts to expand the diversity in media ownership with their recent partnership. Clear Channel has donated six radio stations to MMTC to use for training purposes and ultimately for sale to minority and women broadcasters.

I am pleased to say that one of these stations is in my home State of New Jersey. Through this program, "Radio Vision Cristiana," a minority broadcast company, has purchased WTOG, based in Newton, NJ, and will use the station to broadcast Hispanic religious programming.

Diversity in media ownership enhances diverse perspectives and better serves the community as a whole. It provides a window into communities, into languages, views, and values that might otherwise be totally suppressed without those outlets.

So I am pleased to acknowledge the partnership between Clear Channel and MMTC to furthering this goal, and I only hope that this deal will encourage others to donate stations so that the American airwaves can one day reflect the diverse makeup of the country's people.

#### TRIBUTE TO ADMIRAL MICHAEL G. MULLEN

Mr. LEAHY. Mr. President, I would like to take a moment to pay tribute to ADM Michael Mullen, a man who served our country with distinction for 43 years.

During his tenure as Chairman of the Joint Chiefs of Staff, he has presided over the wars in Afghanistan and Iraq, the historic repeal of the don't ask, don't tell policy, the successful operation against Osama bin Laden, and an episode of unprecedented change in the Middle East. He has been tireless in his job, having visited our troops in Iraq and Afghanistan so many times that we have lost count. Moreover, his tenure as Chairman has been noteworthy for the amount of time he has spent with our troops on the front lines of war.

Before becoming Chairman, Admiral Mullen served as the Navy's Chief and Vice Chief of Naval Operations, as the Commander of U.S. Naval Forces in Europe, and as the Commander of the Allied Joint Force Command in Naples, Italy. Over the course of his career, Admiral Mullen has served aboard seven warships, three times as the commanding officer. In the U.S. Navy's history, he is only the third naval officer ever to be appointed to four different four-star assignments. He is also one of the few remaining veterans of the Vietnam War serving in the top ranks of our military.

When the Vermont National Guard's 1-86th Infantry Brigade Combat Team deployed to Afghanistan in 2010, Admiral Mullen traveled to Vermont to visit the troops at one of their departure ceremonies. On a cold January morning, joined by his wife Deborah, he spoke to a hall packed with families

and friends seeing their soldiers off to war. He thanked them for their service to our Nation, and he assured them all—the troops and their families—that they had the full support of our country's highest ranking military officer. It was a great comfort to the Guard, and they will not forget his expression of support. Neither will I.

In fact, Admiral Mullen and his wife, Deborah, have dedicated much of their time to advancing a range of initiatives to support troops and their families. These include wounded warrior care, veteran employment and education, survivor benefits, suicide prevention, and mental health. Again, these efforts speak to the type of man and leader Admiral Mullen is and to his commitment to our men and women in uniform.

I wish Mike and Deborah all the best. He departs the U.S. military with the sincere thanks of a grateful nation. I know that I have benefitted from his wise counsel over the years. America is fortunate to have such a leader.

#### ADDITIONAL STATEMENTS

##### ANGEL IN ADOPTION

• Mr. BOOZMAN. Mr. President, today I honor Theresa K. Reeves of Fort Smith, AR, as a 2011 Angel in Adoption. Theresa serves as executive director of Heart to Heart Pregnancy Support Center, an organization that provides services to assist women, men, and families facing unplanned pregnancies and dealing with pregnancy related concerns. In the past 7 years that Theresa has served as executive director, Heart to Heart has helped more than 14,000 individuals.

Theresa's strong advocacy for adoption makes her an ideal recipient of this recognition. Through working alongside birth mothers throughout the adoption process and speaking to local high schools, colleges, and community groups about the benefits of adoption, Theresa has facilitated more than 30 adoptions. In 2008, Theresa received accreditation as a life affirming specialist. In addition, she has completed the adoption liaison training from the National Council of Adoption.

I am proud of Theresa for her dedication to adoption services and for investing in the lives of families in the Arkansas River Valley. I commend her for her service and ask my colleagues to join me in honoring her and the many other Angels in Adoption who continue to selflessly work to ensure that all children grow up in safe, healthy, and loving homes.●

##### REMEMBERING THE HONORABLE STEPHAN M. MINIKES

• Mr. CARDIN. Mr. President, today I wish to honor the memory of Ambassador Stephan Minikes, and send my condolences to his wife Dede and their family. Born in Berlin, Germany, and

immigrating to the United States as a young boy, Stephan exemplified the American spirit through a life of hard work and public service. I worked closely with Stephan while he served as the U.S. Ambassador to the Organization for Security and Cooperation in Europe from 2001 until 2005. During that period, he made significant advances in Europe, the Caucasus and Central Asia on a wide range of security-related concerns, including counterterrorism, arms control, human rights, democratization, and economic development.

Prior to his appointment, Ambassador Minikes practiced law for more than 30 years in Washington, DC and New York. He worked in public law and policy strategy, while more recently he represented clients in national defense, energy, transportation, and international trade. A well known member of the Washington political, legal and diplomatic communities, Ambassador Minikes combined knowledge of business and government from the perspectives of the White House, the U.S. Congress and Federal agencies, as well as of the roles of U.S. embassies and foreign embassies in Washington, DC.

Ambassador Minikes was a 1961 graduate of Cornell University and a 1964 graduate of Yale Law School. He was a member of the bars of the District of Columbia, the State of New York, the U.S. Supreme Court and various other Federal courts, including the U.S. Court of Military Appeals, and a member of the American Bar Association, the District of Columbia Bar Association, the Federal Bar Association, the American Society of International Law and the Association of the Bar of the city of New York.

Along with these bar association memberships and his impressive educational background, Stephan was a wonderful public servant throughout his lifetime. He lectured to students around the world on issues ranging from foreign policy to national defense, traveled to more than 100 countries representing the U.S. Government and private interests, served as the director of the Washington Opera at the Kennedy Center, was a member of the Executive Committee of the Yale Law School and a member of the board of directors of the American Council on Germany.

Ambassador Minikes was devoted not only to his country, the promotion of human rights and the improvement of global policies, but to his family. Colleagues, please join me in honoring and remembering of Ambassador Stephan Minikes, a true leader and patriot.●

#### DELTA COUNTY

● Mr. LEVIN. Mr. President, there are thousands of small and medium size counties across our country that form the backbone of our shared history and cultural heritage. These communities shape our political, economic, and social structure. Each has a unique his-

tory that defines its region and its citizens. Delta County, MI, set along Lake Michigan in Michigan's Upper Peninsula, is one such place, and since its inception 150 years ago, has contributed much to the rich and proud history of my home State.

While human life in this region dates back to at least 500 A.D. as evidenced by cliff paintings found in the area, the area was first surveyed in 1843, and in 1861, a triangle shaped section of this land was incorporated as Delta County. At one point in the early 1850s, the mouth of the Escanaba River was home to the largest timber producer in the world; built by one of the county's founding fathers, Nelson Ludington. Two years after the county's incorporation, the Chicago and Northwestern Railroad constructed Delta County's first iron ore dock. Over the ensuing decade, the residents of Delta County witnessed the construction of the first frame houses and a hotel, in addition to the Sand Point Lighthouse in Escanaba. The Delta County Historical Society restored this lighthouse in 1987, and it still stands today along Delta County's majestic coastline.

The years following Escanaba's establishment were prosperous, as Delta County grew as a transportation hub for iron in the north, powering the growth of the Great Lakes region's manufacturing prowess. In 1877, the city of Gladstone was incorporated at the end of the Soo Line railroad. Twenty-one years after its founding, Delta County constructed its first courthouse, and a year later, in 1883, the village of Escanaba, the county seat, incorporated as a city. Today, the county takes pride in its continued role in transporting ore, partnered with a diversified paper industry and its popularity as a destination for tourists visiting one of our Nation's most pristine regions.

The Hiawatha National Forest accounts for more than half of Delta County's land area. This beautiful natural resource stretches across Michigan's Upper Peninsula, touching three of the five Great Lakes and contains 413 inland lakes, making it a popular destination for campers and outdoor enthusiasts. A respect for the environment is a central part of the culture of Delta County residents, and in 1991, Delta County was awarded one of six statewide "model" program grants for a recycling and composting program.

Delta County's sesquicentennial marks a great moment for the countless citizens who have contributed much to the success of this region and have helped shape the cultural fabric of this area over the last century and a half. On June 22, Delta County held a ceremony reminiscent of its 100th anniversary celebration, raising a flag and exploring in depth the long, rich history of the county. I know my colleagues in the Senate join me and thousands of citizens across Michigan in wishing the residents of Delta County the best as they chart a course for another century of accomplishment.●

#### REMEMBERING AMOS MCCLURE

● Mrs. MCCASKILL. Mr. President, today I pay tribute to Mr. Amos McClure, who passed away on October 1, 2011, at the Veterans Administration Hospital in St. Louis, MO. A veteran of the Korean war, during which he was taken prisoner, Amos lived the life of an American patriot.

Just out of high school, Amos joined the U.S. Army in 1948 at the age of 17. At the U.S. Armed Forces Institute in Fort Lewis, WA, he became an expert rifleman before specializing in heavy infantry during the Korean war. On November 29, 1950—just 19 days shy of his 20th birthday—Amos was captured by the enemy while serving his nation in Korea. He spent almost 3 years as a prisoner of war, until his release on August 8, 1953—Armistice Day.

Amos was shot and wounded as a prisoner of war. But Amos was a survivor and his strength and determination helped him overcome both the physical and emotional wounds that were inflicted on so many American POWs. For his service, and in recognition of the sacrifices he made for his country, CPL Amos McClure received numerous military awards, including the Prisoner of War Medal.

Amos returned home from serving in Korea to marry his sweetheart, Norma Jean Southerland. They were married for almost 52 years before she passed away. They leave behind five children.

After his discharge, Amos worked for the Atomic Energy Commission as a storage battery technician. Later, as a civilian for the U.S. Air Force, he worked as a storage battery technician before moving to St. Louis to become a service manager and electrician until his retirement in 2004.

I honor Amos today out of appreciation for the sacrifices he made on behalf of his fellow Americans, for his contributions to his community, and for the example he set for his children. He had the benefit of a strong family support system and a work ethic that allowed him to move forward from the horrors of war. His spirited approach to life is emblematic of the courage, honor, and strength of our veterans who fought for our freedom.

I join his family, the people of Missouri, and all Americans, in saluting Amos McClure's courage, and I humbly recognize him for all that he has done and for all that he endured for this country. Amos McClure was a true American hero.●

#### TRIBUTE TO MAUREEN BEAUREGARD

● Mrs. SHAHEEN. Mr. President, today I honor Families in Transition President and Founder Maureen Beauregard for her outstanding service to New Hampshire families over the last two decades.

Twenty years ago, Maureen Beauregard made a commitment to help homeless and at-risk families find safe,

affordable housing. Thanks to Ms. Beauregard's leadership and vision, Families in Transition has grown from serving just a handful of families to supporting over 300 adults and children every night. Today Families in Transition provides essential services including substance abuse treatment, mental health counseling, childcare services, and is spread out over ten housing units, two retail outlets, and 53 employees.

A leader and role model to others in the non-profit field, it is no surprise that earlier this year Maureen Beauregard was honored for her hard work and dedication by New Hampshire Business Review as an Outstanding Woman in Business. Her accomplishments over the years have truly been remarkable, and she will continue to have a positive impact on countless at-risk families in New Hampshire.

As we mark the 20th anniversary of Families in Transition, I would like to recognize Maureen Beauregard and thank her for all that she has done to make New Hampshire a better place to live and raise a family.●

#### TRIBUTE TO JOHN RIST

● Mrs. SHAHEEN. Mr. President, today I honor educator and principal John Rist for his outstanding service to the Manchester School District for the last 29 years.

Throughout his years with the Manchester School of Technology and Central High School, John has always been committed to improving the lives of our young people. As he retires as principal of Central High School, I thank him for his service to the people of Manchester and the State of New Hampshire.

John first came to Central High School in 1999 as interim principal. With his strong personality and generous nature, he successfully led Central through challenging times. He was named principal of the school in 2002 and during his tenure John helped Central gain full accreditation, established the Central Pride Foundation to support school activities, and oversaw major renovations. Under John's leadership, Central's standardized test scores increased and the dropout rate decreased.

John's commitment to our young people extended well beyond the principal's office. He was a constant presence in the band room, cafeteria, and at Central's many sporting events. He will truly be missed.

I am pleased that even as John retires from Central High School, he will continue to serve on the New Hampshire State Board of Education.

I thank John, a model educator, mentor, and public servant, for his service. He truly embodies what it means to have Central pride.●

#### MESSAGES FROM THE HOUSE

At 10:03 a.m., a message from the House of Representatives, delivered by

Mrs. Cole, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 470. An act to further allocate and expand the availability of hydroelectric power generated at Hoover Dam, and for other purposes.

H.R. 473. An act to provide for the conveyance of approximately 140 acres of land in the Ouachita National Forest in Oklahoma to the Indian Nations Council, Inc., of the Boy Scouts of America, and for other purposes.

H.R. 489. An act to clarify the jurisdiction of the Secretary of the Interior with respect to the C.C. Cragin Dam and Reservoir, and for other purposes.

H.R. 670. An act to convey certain submerged lands to the Commonwealth of the Northern Mariana Islands in order to give that territory the same benefits in its submerged lands as Guam, the Virgin Islands, and American Samoa have in their submerged lands.

H.R. 686. An act to require the conveyance of certain public land within the boundaries of Camp Williams, Utah, to support the training and readiness of the Utah National Guard.

H.R. 765. An act to amend the National Forest Ski Permit Act of 1986 to clarify the authority of the Secretary of Agriculture regarding additional recreational uses of National Forest System land that is subject to ski area permits, and for other purposes.

The message also announced that the House agreed to the following concurrent resolution, without amendment:

S. Con. Res. 29. Concurrent resolution authorizing the use of the rotunda of the United States Capitol for an event to present the Congressional Gold Medal, collectively, to Neil A. Armstrong, Edwin E. "Buzz" Aldrin, Jr., Michael Collins, and John Herschel Glenn, Jr., in recognition of their significant contributions to society.

The message further announced that the House agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 83. Concurrent resolution directing the Clerk of the House of Representatives to make a further correction in the enrollment of H.R. 2608.

At 2:52 p.m., a message from the House of Representatives, delivered by Mr. Cole, one of its reading clerks, announced that the House agree to the amendment of the Senate to the amendment of the House to the amendment of the Senate to the bill (H.R. 2608) entitled "An Act to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes."

#### ENROLLED BILL SIGNED

At 3:20 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 2608. An act making continuing appropriations for fiscal year 2012, and for other purposes.

The enrolled bill was subsequently signed by the President pro tempore (Mr. INOUE).

#### MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 473. An act to provide for the conveyance of approximately 140 acres of land in the Ouachita National Forest in Oklahoma to the Indian Nations Council, Inc., of the Boy Scouts of America, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

H.R. 670. An act to convey certain submerged lands to the Commonwealth of the Northern Mariana Islands in order to give that territory the same benefits in its submerged lands as Guam, the Virgin Islands, and American Samoa have in their submerged lands; to the Committee on Energy and Natural Resources.

H.R. 686. An act to require the conveyance of certain public land within the boundaries of Camp Williams, Utah, to support the training and readiness of the Utah National Guard; to the Committee on Energy and Natural Resources.

#### MEASURES PLACED ON THE CALENDAR

The following bills were read the first and second times by unanimous consent, and placed on the calendar:

H.R. 470. An act to further allocate and expand the availability of hydroelectric power generated at Hoover Dam, and for other purposes.

H.R. 489. An act to clarify the jurisdiction of the Secretary of the Interior with respect to the C.C. Cragin Dam and Reservoir, and for other purposes.

H.R. 765. An act to amend the National Forest Ski Area Permit Act of 1986 to clarify the authority of the Secretary of Agriculture regarding additional recreational uses of National Forest System land that is subject to ski area permits, and for other purposes.

#### EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-3395. A communication from the Administrator, Rural Housing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Intergovernmental Review" (7 CFR Parts 1778, 1942, 1944, 1948, 1951, 1980, 3560, 3565, 3570, 4274) received during adjournment of the Senate in the Office of the President of the Senate on September 28, 2011; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3396. A communication from the Administrator, Rural Utilities Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Expansion of 911 Access: Telecommunications Loan Program" (RIN0572-AC24) received during adjournment of the Senate in the Office of the President of the Senate on September 29, 2011; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3397. A communication from the Secretary of the Commodity Futures Trading Commission, transmitting, pursuant to law, the report of a rule entitled "Foreign Futures and Options Contracts on a Non-Narrow-Based Security Index; Commission Certification Procedures" ((17 CFR Part 30) (RIN3038-AC54)) received during adjournment of the Senate in the Office of the President of the Senate on September 28, 2011; to the



Committee on Agriculture, Nutrition, and Forestry.

EC-3398. A communication from the Secretary of the Commodity Futures Trading Commission, transmitting, pursuant to law, the report of a rule entitled "Retail Foreign Exchange Transactions; Conforming Changes to Existing Regulations in Response to the Dodd-Frank Wall Street Reform and Consumer Protection Act" (17 CFR Part 5) received during adjournment of the Senate in the Office of the President of the Senate on September 28, 2011; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3399. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Golden Nematode; Removal of Regulated Areas" (Docket No. APHIS-2011-0036) received during adjournment of the Senate in the Office of the President of the Senate on September 29, 2011; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3400. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Phytosanitary Treatments; Location of and Process for Updating Treatment Schedules; Technical Amendment" (Docket No. APHIS-2008-0022) received during adjournment of the Senate in the Office of the President of the Senate on September 29, 2011; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3401. A communication from the Director of the Regulatory Management Division, Office of Policy, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Isaria fumosorosea Apopka strain 97; Exemption from the Requirement of a Tolerance" (FRL No. 8889-8) received in the Office of the President of the Senate on September 26, 2011; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3402. A communication from the Director of the Regulatory Management Division, Office of Policy, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Amisulbrom; Pesticide Tolerances" (FRL No. 8885-3) received in the Office of the President of the Senate on September 26, 2011; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3403. A communication from the Director of the Regulatory Management Division, Office of Policy, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Protection of Stratospheric Ozone: The 2011 Critical Use Exemption From the Phaseout of Methyl Bromide" (FRL No. 9473-5) received in the Office of the President of the Senate on September 29, 2011; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3404. A joint communication from the Under Secretary of Defense (Comptroller) and the Associate Director of National Intelligence, transmitting, pursuant to law, a report relative to violations of the Antideficiency Act that occurred within the National Intelligence Program and the Military Intelligence Program and was assigned National Geospatial-Intelligence Agency case number 10-04; to the Committee on Appropriations.

EC-3405. A communication from the Under Secretary of Defense (Comptroller), transmitting, pursuant to law, a report relative to violations of the Antideficiency Act that occurred within the Operation and Maintenance, Marine Corps account, during fiscal year 2008 at the Marine Corps Base, Camp Pendleton, and the Marine Corps Air Sta-

tion, Miramar and was assigned Navy case number 10-02; to the Committee on Appropriations.

EC-3406. A communication from the Director of Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Defense Federal Acquisition Regulation Supplement: Responsibility and Liability for Government Property" ((RIN0750-AG94) (DFARS Case 2010-D018)) received in the Office of the President of the Senate on October 3, 2011; to the Committee on Armed Services.

EC-3407. A communication from the Director of Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Defense Federal Acquisition Regulation Supplement: Administering Trafficking in Persons Regulations" ((RIN0750-AH41) (DFARS Case 2011-D051)) received in the Office of the President of the Senate on October 3, 2011; to the Committee on Armed Services.

EC-3408. A communication from the Director of Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Defense Federal Acquisition Regulation Supplement: Accelerate Small Business Payments" ((RIN0750-AH19) (DFARS Case 2011-D008)) received in the Office of the President of the Senate on October 3, 2011; to the Committee on Armed Services.

EC-3409. A communication from the Director of Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Defense Federal Acquisition Regulation Supplement: Definition of 'Qualifying Country End Product'" ((RIN0750-AH21) (DFARS Case 2011-D028)) received during adjournment of the Senate in the Office of the President of the Senate on September 28, 2011; to the Committee on Armed Services.

EC-3410. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting a report on the approved retirement of Lieutenant General Dana T. Atkins, United States Air Force, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

EC-3411. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting a report on the approved retirement of Lieutenant General David P. Fridovich, United States Army, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

EC-3412. A communication from the Deputy to the Chairman for External Affairs, Federal Deposit Insurance Corporation, transmitting, pursuant to law, the report of a rule entitled "Risk-Based Capital Standards: Advanced Capital Adequacy Framework—Basel II; Establishment of a Risk-Based Capital Floor" (RIN3064-AD58) received during adjournment of the Senate in the Office of the President of the Senate on September 28, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC-3413. A communication from the General Counsel of the National Credit Union Administration, transmitting, pursuant to law, the report of a rule entitled "Golden Parachute and Indemnification Payments" (RIN3133-AD73) received during adjournment of the Senate in the Office of the President of the Senate on September 29, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC-3414. A communication from the General Counsel of the National Credit Union Administration, transmitting, pursuant to law, the report of a rule entitled "Accuracy

of Advertising and Notice of Insured Status" (RIN3133-AD83) received during adjournment of the Senate in the Office of the President of the Senate on September 29, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC-3415. A communication from the General Counsel of the National Credit Union Administration, transmitting, pursuant to law, the report of a rule entitled "Share Insurance and Appendix" (RIN3133-AD79) received during adjournment of the Senate in the Office of the President of the Senate on September 29, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC-3416. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Suspension of Community Eligibility" ((44 CFR Part 64) (Docket No. FEMA-2011-0002)) received during adjournment of the Senate in the Office of the President of the Senate on September 29, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC-3417. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Changes in Flood Elevation Determinations" ((44 CFR Part 65) (Docket No. FEMA-2011-0002)) received during adjournment of the Senate in the Office of the President of the Senate on September 29, 2011; to the Committee on Banking, Housing, and Urban Affairs.

#### EXECUTIVE REPORT OF COMMITTEE

The following executive report of a nomination was submitted:

By Mrs. FEINSTEIN for the Select Committee on Intelligence.

\*Irvin Charles McCullough III, of Maryland, to be Inspector General of the Intelligence Community, Office of the Director of National Intelligence.

\*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

#### INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. CORNYN (for himself and Mr. HARKIN):

S. 1644. A bill to amend the Internal Revenue Code of 1986 to expand workplace health incentives by equalizing the tax consequences of employee athletic facility use; to the Committee on Finance.

By Mr. CASEY:

S. 1645. A bill to establish an Oleoresin Capsicum Spray Pilot Program in the Bureau of Prisons, and for other purposes; to the Committee on the Judiciary.

By Mr. INHOFE:

S. 1646. A bill to repeal the Zimbabwe Democracy and Economic Recovery Act of 2001; to the Committee on Foreign Relations.

By Mr. CRAPO:

S. 1647. A bill to repeal the sunset on the reduction of capital gains rates for individuals and on the taxation of dividends of individuals at capital gain rates; to the Committee on Finance.

By Mr. PAUL (for himself, Mr. MCCONNELL, and Mr. COATS):

S. 1648. A bill to terminate the Transportation Enhancement Program and transfer the funding dedicated to such program to carry out the most critical emergency transportation projects identified by the Secretary of Transportation, after consultation with State and local transportation officials; to the Committee on Environment and Public Works.

By Mr. BAUCUS:

S. 1649. A bill to amend the provisions of title 5, United States Code, relating to the methodology for calculating the amount of any Postal surplus or supplemental liability under the Civil Service Retirement System, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. CRAPO (for himself, Mr. JOHANNIS, Mr. SHELBY, Mr. VITTER, Mr. TOOMEY, Mr. MORAN, and Mr. KIRK):

S. 1650. A bill to provide for the orderly implementation of the provisions of title VII of the Dodd-Frank Wall Street Reform and Consumer Protection Act, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. SESSIONS (for himself and Ms. SNOWE):

S. 1651. A bill to provide for greater transparency and honesty in the Federal budget process; to the Committee on the Budget.

By Mr. BLUMENTHAL (for himself, Mr. FRANKEN, and Mr. WHITEHOUSE):

S. 1652. A bill to amend title 9 of the United States Code to prohibit mandatory arbitration clauses in contracts for mobile service; to the Committee on the Judiciary.

By Ms. KLOBUCHAR (for herself, Mr. BLUNT, Mr. HELLER, and Mr. BEGICH):

S. 1653. A bill to make minor modifications to the procedures relating to the issuance of visas; to the Committee on the Judiciary.

By Mr. UDALL of Colorado (for himself and Mr. BENNET):

S. 1654. A bill to establish an alternative accountability model; to the Committee on Health, Education, Labor, and Pensions.

#### ADDITIONAL COSPONSORS

S. 25

At the request of Mrs. SHAHEEN, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 25, a bill to phase out the Federal sugar program, and for other purposes.

S. 119

At the request of Mr. VITTER, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. 119, a bill to preserve open competition and Federal Government neutrality towards the labor relations of Federal Government contractors on Federal and federally funded construction projects.

S. 164

At the request of Mr. BROWN of Massachusetts, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 164, a bill to repeal the imposition of withholding on certain payments made to vendors by government entities.

S. 211

At the request of Mr. ISAKSON, the name of the Senator from New Hampshire (Ms. AYOTTE) was added as a co-

sponsor of S. 211, a bill to provide for a biennial budget process and a biennial appropriations process and to enhance oversight and performance of the Federal Government.

S. 306

At the request of Mr. WEBB, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 306, a bill to establish the National Criminal Justice Commission.

S. 341

At the request of Mr. BROWN of Massachusetts, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 341, a bill to require the rescission or termination of Federal contracts and subcontracts with enemies of the United States.

S. 362

At the request of Mr. WHITEHOUSE, the name of the Senator from Delaware (Mr. COONS) was added as a cosponsor of S. 362, a bill to amend the Public Health Service Act to provide for a Pancreatic Cancer Initiative, and for other purposes.

S. 418

At the request of Mr. HARKIN, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 418, a bill to award a Congressional Gold Medal to the World War II members of the Civil Air Patrol.

S. 436

At the request of Mr. SCHUMER, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 436, a bill to ensure that all individuals who should be prohibited from buying a firearm are listed in the national instant criminal background check system and require a background check for every firearm sale.

S. 510

At the request of Mr. UDALL of New Mexico, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 510, a bill to prevent drunk driving injuries and fatalities, and for other purposes.

S. 595

At the request of Mrs. MURRAY, the name of the Senator from Colorado (Mr. BENNET) was added as a cosponsor of S. 595, a bill to amend title VIII of the Elementary and Secondary Education Act of 1965 to require the Secretary of Education to complete payments under such title to local educational agencies eligible for such payments within 3 fiscal years.

S. 838

At the request of Mr. TESTER, the name of the Senator from Tennessee (Mr. ALEXANDER) was added as a cosponsor of S. 838, a bill to amend the Toxic Substances Control Act to clarify the jurisdiction of the Environmental Protection Agency with respect to certain sporting good articles, and to exempt those articles from a definition under that Act.

S. 949

At the request of Mrs. SHAHEEN, the name of the Senator from Delaware

(Mr. COONS) was added as a cosponsor of S. 949, a bill to amend the National Oilheat Research Alliance Act of 2000 to reauthorize and improve that Act, and for other purposes.

S. 1029

At the request of Mr. UDALL of Colorado, the name of the Senator from Delaware (Mr. COONS) was added as a cosponsor of S. 1029, a bill to amend the Public Utility Regulatory Policies Act of 1978 to provide electric consumers the right to access certain electric energy information, and for other purposes.

S. 1048

At the request of Mr. MENENDEZ, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of S. 1048, a bill to expand sanctions imposed with respect to the Islamic Republic of Iran, North Korea, and Syria, and for other purposes.

S. 1219

At the request of Mr. BARRASSO, the names of the Senator from Kansas (Mr. ROBERTS), the Senator from Alabama (Mr. SESSIONS) and the Senator from Arkansas (Mr. BOOZMAN) were added as cosponsors of S. 1219, a bill to require Federal agencies to assess the impact of Federal action on jobs and job opportunities, and for other purposes.

S. 1299

At the request of Mr. MORAN, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of S. 1299, a bill to require the Secretary of the Treasury to mint coins in commemoration of the centennial of the establishment of Lions Clubs International.

S. 1301

At the request of Mr. LEAHY, the name of the Senator from Nevada (Mr. HELLER) was added as a cosponsor of S. 1301, a bill to authorize appropriations for fiscal years 2012 to 2015 for the Trafficking Victims Protection Act of 2000, to enhance measures to combat trafficking in person, and for other purposes.

S. 1315

At the request of Mr. BLUMENTHAL, the name of the Senator from Delaware (Mr. COONS) was added as a cosponsor of S. 1315, a bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to extend public safety officers' death benefits to fire police officers.

S. 1447

At the request of Mr. CRAPO, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 1447, a bill to amend the Safe and Drug-Free Schools and Communities Act to authorize the use of grant funds for dating violence prevention, and for other purposes.

S. 1472

At the request of Mrs. GILLIBRAND, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 1472, a bill to impose sanctions on persons making certain investments

that directly and significantly contribute to the enhancement of the ability of Syria to develop its petroleum resources, and for other purposes.

S. 1479

At the request of Mr. CASEY, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 1479, a bill to preserve Medicare beneficiary choice by restoring and expanding Medicare open enrollment and disenrollment opportunities.

S. 1508

At the request of Mr. MENENDEZ, the name of the Senator from Massachusetts (Mr. BROWN) was added as a cosponsor of S. 1508, a bill to extend loan limits for programs of the Federal Housing Administration, the government-sponsored enterprises, and the Department of Veterans Affairs, and for other purposes.

S. 1512

At the request of Mr. CARDIN, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 1512, a bill to amend the Internal Revenue Code of 1986 and the Small Business Act to expand the availability of employee stock ownership plans in S corporations, and for other purposes.

S. 1514

At the request of Mr. TESTER, the names of the Senator from Connecticut (Mr. BLUMENTHAL) and the Senator from Alaska (Mr. BEGICH) were added as cosponsors of S. 1514, a bill to authorize the President to award a gold medal on behalf of the Congress to Elouise Pepion Cobell, in recognition of her outstanding and enduring contributions to American Indians, Alaska Natives, and the Nation through her tireless pursuit of justice.

S. 1527

At the request of Mrs. HAGAN, the names of the Senator from Alaska (Mr. BEGICH) and the Senator from Maine (Ms. SNOWE) were added as cosponsors of S. 1527, a bill to authorize the award of a Congressional gold medal to the Montford Point Marines of World War II.

S. 1539

At the request of Mr. CORNYN, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 1539, a bill to provide Taiwan with critically needed United States-built multirole fighter aircraft to strengthen its self-defense capability against the increasing military threat from China.

S. 1588

At the request of Mr. WEBB, the names of the Senator from Alaska (Mr. BEGICH) and the Senator from Alaska (Ms. MURKOWSKI) were added as cosponsors of S. 1588, a bill to protect the right of individuals to bear arms at water resources development projects administered by the Secretary of the Army, and for other purposes.

S. 1620

At the request of Mr. BEGICH, the name of the Senator from Alaska (Ms.

MURKOWSKI) was added as a cosponsor of S. 1620, a bill to ensure the icebreaking capabilities of the United States and for other purposes.

S. 1629

At the request of Ms. MIKULSKI, her name was added as a cosponsor of S. 1629, a bill to amend title 38, United States Code, to clarify presumptions relating to the exposure of certain veterans who served in the vicinity of the Republic of Vietnam, and for other purposes.

S. 1632

At the request of Mr. MENENDEZ, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1632, a bill to amend the Internal Revenue Code of 1986 to provide a look back rule in the case of federally declared disasters for determining earned income for purposes of the child tax credit and the earned income credit, and for other purposes.

S.J. RES. 6

At the request of Mrs. HUTCHISON, the name of the Senator from Florida (Mr. RUBIO) was added as a cosponsor of S.J. Res. 6, a joint resolution disapproving the rule submitted by the Federal Communications Commission with respect to regulating the Internet and broadband industry practices.

S.J. RES. 21

At the request of Mr. MENENDEZ, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of S.J. Res. 21, a joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women.

S. RES. 132

At the request of Mr. NELSON of Nebraska, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. Res. 132, a resolution recognizing and honoring the zoos and aquariums of the United States.

S. RES. 251

At the request of Mr. CARPER, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. Res. 251, a resolution expressing support for improvement in the collection, processing, and consumption of recyclable materials throughout the United States.

AMENDMENT NO. 669

At the request of Mr. MERKLEY, the names of the Senator from Maine (Ms. SNOWE) and the Senator from Nebraska (Mr. NELSON) were added as cosponsors of amendment No. 669 intended to be proposed to S. 1619, a bill to provide for identification of misaligned currency, require action to correct the misalignment, and for other purposes.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. CORNYN (for himself and Mr. HARKIN):

S. 1644. A bill to amend the Internal Revenue Code of 1986 to expand work-

place health incentives by equalizing the tax consequences of employee athletic facility use; to the Committee on Finance.

Mr. CORNYN. Mr. President, I rise to introduce the Workforce Health Improvement Program Act of 2011, otherwise known as the WHIP Act. I am very pleased to be joined again by my good friend and colleague, Senator TOM HARKIN, who shares my commitment to helping keep America fit.

Public health experts unanimously agree that people who maintain active and healthy lifestyles dramatically reduce their risk of contracting chronic diseases. And as the government works to reign in the high cost of health care, it is worth talking about what we all can do to help ourselves. As you know, prevention is key, and exercise is a primary component in the prevention of many adverse health conditions that can arise over one's lifetime. A physically fit population helps to decrease health-care costs, reduce governmental spending, reduce illnesses, and improve worker productivity.

According to the Centers for Disease Control and Prevention, CDC, the economic cost alone to businesses in the form of health insurance and absenteeism is more than \$15 billion. Additionally, the CDC estimates that more than one-third of all U.S. adults fail to meet minimum recommendations for aerobic physical activity. With physical inactivity being a key contributing factor to overweight and obesity, and adversely affecting workforce productivity, we quite simply need to do more to help employers encourage exercise.

Given the tremendous benefits exercise provides, I believe Congress has a duty to create as many incentives as possible to get Americans off the couch, up, and moving.

With this in mind, I am reintroducing the WHIP Act.

Current law already permits businesses to deduct the cost of on-site workout facilities, which are provided for the benefit of employees on a pre-tax basis. But if a business wants or needs to outsource these health benefits, they and/or their employees are required to bear the full cost. In other words, employees who receive off-site fitness center subsidies are required to pay income tax on the benefits, and their employers bear the associated administrative costs of complying with the IRS rules.

The WHIP Act would correct this inequity in the tax code to the benefit of many smaller businesses and their employees. Specifically, it would provide an employer's right to deduct up to \$900 of the cost of providing health club benefits off-site for their employees. In addition, the employer's contribution to the cost of the health club fees would not be taxable income for employees—creating an incentive for more employers to contribute to the health and welfare of their employees.

The WHIP Act is an important step in reversing the largely preventable

health crisis that our country is facing, through the promotion of physical activity and disease prevention. It is a critical component of America's health care policy: prevention. It will improve our nation's quality of life by promoting physical activity and preventing disease.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1644

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Workforce Health Improvement Program Act of 2011".

#### SEC. 2. EMPLOYER-PROVIDED OFF-PREMISES HEALTH CLUB SERVICES.

(a) TREATMENT AS FRINGE BENEFIT.—Subparagraph (A) of section 132(j)(4) of the Internal Revenue Code of 1986 (relating to on-premises gyms and other athletic facilities) is amended to read as follows:

"(A) IN GENERAL.—Gross income shall not include—

"(i) the value of any on-premises athletic facility provided by an employer to its employees, and

"(ii) so much of the fees, dues, or membership expenses paid by an employer to an athletic or fitness facility described in subparagraph (C) on behalf of its employees as does not exceed \$900 per employee per year."

(b) ATHLETIC FACILITIES DESCRIBED.—Paragraph (4) of section 132(j) of the Internal Revenue Code of 1986 (relating to special rules) is amended by adding at the end the following new subparagraph:

"(C) CERTAIN ATHLETIC OR FITNESS FACILITIES DESCRIBED.—For purposes of subparagraph (A)(ii), an athletic or fitness facility described in this subparagraph is a facility—

"(i) which provides instruction in a program of physical exercise, offers facilities for the preservation, maintenance, encouragement, or development of physical fitness, or is the site of such a program of a State or local government,

"(ii) which is not a private club owned and operated by its members,

"(iii) which does not offer golf, hunting, sailing, or riding facilities,

"(iv) whose health or fitness facility is not incidental to its overall function and purpose, and

"(v) which is fully compliant with the State of jurisdiction and Federal anti-discrimination laws."

(c) EXCLUSION APPLIES TO HIGHLY COMPENSATED EMPLOYEES ONLY IF NO DISCRIMINATION.—Section 132(j)(1) of the Internal Revenue Code of 1986 is amended—

(1) by striking "Paragraphs (1) and (2) of subsection (a)" and inserting "Subsections (a)(1), (a)(2), and (j)(4)", and

(2) by striking the heading thereof through "(2) APPLY" and inserting "CERTAIN EXCLUSIONS APPLY".

(d) EMPLOYER DEDUCTION FOR DUES TO CERTAIN ATHLETIC FACILITIES.—

(1) IN GENERAL.—Paragraph (3) of section 274(a) of the Internal Revenue Code of 1986 (relating to denial of deduction for club dues) is amended by adding at the end the following new sentence: "The preceding sentence shall not apply to so much of the fees, dues, or membership expenses paid to athletic or fitness facilities (within the meaning of section 132(j)(4)(C)) as does not exceed \$900 per employee per year."

(2) CONFORMING AMENDMENT.—The last sentence of section 274(e)(4) of such Code is amended by inserting "the first sentence of" before "subsection (a)(3)".

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

By Mr. BAUCUS:

S. 1649. A bill to amend the provisions of title 5, United States Code, relating to the methodology for calculating the amount of any Postal surplus or supplemental liability under the Civil Service Retirement System, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1649

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "United States Postal Service Pension Obligation Recalculation and Restoration Act of 2011".

#### SEC. 2. MODIFIED METHODOLOGY.

(a) IN GENERAL.—Section 8348(h) of title 5, United States Code, is amended by adding at the end the following:

"(4)(A) To the extent that a determination under paragraph (1), relating to benefits attributable to civilian employment with the United States Postal Service, is based on any provision of law described in subparagraph (C), such determination shall be made in accordance with such provision and any otherwise applicable provisions of law, subject to the following:

"(i) The 'average pay' used in the case of any individual shall be a single amount, determined in accordance with section 8331(4), taking into account the rates of basic pay in effect for such individual during the periods of creditable service performed by such individual. Nothing in this subsection shall be considered to permit or require—

"(I) one determination of average pay with respect to service performed with the United States Postal Service; and

"(II) a separate determination of average pay with respect to service performed with its predecessor entity in function.

"(ii) In determining the portion of an annuity attributable to civilian employment with the United States Postal Service, with respect to any period of employment with the United States Postal Service that follows any other period of employment creditable under section 8332 (without regard to whether such employment was with an entity referred to in clause (i)(II)), the total service of an employee for purposes of any provision of law described in subparagraph (C) shall be the sum of—

"(I) any period of employment with the United States Postal Service; and

"(II) any period of employment creditable under section 8332 that precedes the period described in subclause (I).

"(B)(i) Not later than 6 months after the date of enactment of this paragraph, the Office shall determine (or, if applicable, redetermine) the amount of the Postal surplus or supplemental liability as of the close of the fiscal year most recently ending before such date of enactment, in conformance with the methodology required under subparagraph (A).

"(ii)(I) If the result of the determination or redetermination under clause (i) is a surplus, the Office shall transfer the amount of such surplus to the Postal Service Retiree Health Benefits Fund not later than 15 days after the date of such determination or redetermination.

"(II) If a determination or redetermination under clause (i) for a fiscal year is made before the Office makes a redetermination under paragraph (2)(B) with respect to the fiscal year, the Office may not make a determination under paragraph (2)(B) with respect to the fiscal year.

"(C) The provisions of law described in this subparagraph are—

"(i) the first sentence of section 8339(a); and

"(ii) section 8339(d)(1).

"(5) For purposes of this subsection—

"(A) the term 'Postal Service Retiree Health Benefits Fund' means the fund established under section 8909a; and

"(B) the term 'Postal Service Fund' means the fund established under section 2003 of title 39."

(b) COORDINATION PROVISIONS.—

(1) AMENDMENT.—Section 8909a of title 5, United States Code, is amended by adding at the end the following:

"(e) Notwithstanding any other provision of law, the amount payable by the Postal Service under subsection (d) in any fiscal year ending on or before September 30, 2021, shall be determined without regard to the requirements under section 8348(h)(4)."

(2) RULE OF CONSTRUCTION.—Nothing in this Act, or an amendment made by this Act, shall be construed to affect the amount of any benefits otherwise payable from the Civil Service Retirement and Disability Fund to any individual.

(c) TECHNICAL AMENDMENT.—The heading for section 8909a of title 5, United States Code, is amended by striking "Benefit" and inserting "Benefits".

#### SEC. 3. ADDITIONAL PROVISIONS.

(a) IN GENERAL.—Section 8348(h)(2) of title 5, United States Code, is amended by adding at the end the following:

"(F) Notwithstanding any other provision of this subsection, for purposes of determining the Postal surplus or supplemental liability for each of fiscal years 2016, 2017, 2018, 2019, and 2020—

"(i) paragraph (4)(A) shall not apply to a determination under paragraph (1); and

"(ii) the determination under paragraph (1) shall be made by applying the methodology that was used to carry out this paragraph with respect to the fiscal year preceding the fiscal year referred to in paragraph (4)(B)(i)."

(b) RELATING TO A POSTAL SURPLUS.—Section 8348(h)(2)(C) of title 5, United States Code, is amended—

(1) by inserting "2021," after "2015,"; and

(2) by striking "if the result is" and all that follows through "terminated," and inserting the following: "if the result is a surplus—

"(i) that amount shall be transferred—

"(I) to the Postal Service Retiree Health Benefits Fund, if the surplus is for fiscal year 2020 or a preceding fiscal year; and

"(II) to the Postal Service Fund, if the surplus is for fiscal year 2021 or a subsequent fiscal year; and

"(ii) any prior amortization schedule for payments shall be terminated."

#### SEC. 4. TREATMENT OF CERTAIN SURPLUS RETIREMENT CONTRIBUTIONS.

Section 8423(b) of title 5, United States Code, is amended—

(1) by redesignating paragraph (5) as paragraph (6); and

(2) by inserting after paragraph (4) the following:

“(5) If, for fiscal year 2010, the amount computed under paragraph (1)(B) is less than zero (in this section referred to as ‘surplus postal contributions’), the amount of such surplus postal contributions shall be transferred—

“(A) to the Postal Service Retiree Health Benefits Fund to pay any liability to the Postal Service Retiree Health Benefits Fund for fiscal year 2011;

“(B) if all liability to the Postal Service Retiree Health Benefits Fund for fiscal year 2011 has been paid, to the Employees’ Compensation Fund established under section 8147; and

“(C) if all liability of the United States Postal Service to the Employees’ Compensation Fund has been paid, to the United States Postal Service for the repayment of any obligation issued under section 2005 of title 39.”.

#### SEC. 5. RURAL POST OFFICES.

Section 404(d) of title 39, United States Code, is amended by adding at the end the following:

“(7) Notwithstanding any other provision of this subsection, in making any determination under subsection (a)(3) as to the necessity for the closing or consolidation of any post office, the Postal Service may not close any post office which is located more than 10 miles from any other post office.”.

#### SEC. 6. EFFECTIVE DATE.

(a) IN GENERAL.—This Act and the amendments made by this Act shall take effect on the date of enactment of this Act.

(b) INTENT OF CONGRESS.—It is the intent of Congress that this Act apply with respect to the allocation of past, present, and future benefit liabilities between the United States Postal Service and the Treasury of the United States.

By Mr. UDALL of Colorado (for himself and Mr. BENNET):

S. 1654. A bill to establish an alternative accountability model; to the Committee on Health, Education, Labor, and Pensions.

Mr. UDALL of Colorado. Mr. President, I come to the floor to speak about a Colorado common-sense approach to solving a national problem facing schools because of the current No Child Left Behind, NCLB law. Today, I am introducing the Growth to Excellence Act, along with my friend and colleague Senator Bennet.

In my travels across the great state of Colorado, educators from Pueblo to Grand Junction have shared with me the difficulties and cumbersome burdens placed on them by NCLB. Although well-intentioned, NCLB has continued to suffer from under-funding and poor implementation, which have in turn hurt our nation's students.

A major component of the current law is the measurement of Annual Yearly Progress, or AYP for short, for a group of students. Current law requires States to compare one year's class of students to the next year's class, and it fails to measure the progress of individual students over time.

This is problematic for schools because it doesn't adequately represent true educational progress, focusing instead on anonymous students' test scores. Likewise, the information is meaningless to parents and students

because it does not properly measure individual students' growth over time. Unfortunately, under current law, schools are punished when such groups of students do not meet the required level of AYP, even if individual students actually displayed substantial growth over that time. Our bill would fix that.

Using the nationally recognized Colorado Growth Model as its inspiration, the Growth to Excellence Act would amend current law to allow all states to move toward an accountability system that measures student growth rates together with their attainment of college and career readiness. Growth models, which track students from year to year, provide schools, parents, teachers, and students alike with the information they need to see where individual student improvements have been made and where there is still room for continued learning.

This legislation, I believe, will provide a proven system of tracking actual student growth aimed at preparing our students for college and for their careers, without unnecessarily punishing schools in a one-size-fits-all approach. This will ultimately improve accountability standards for teachers, principals and school systems nationwide as it will provide us with the data we need to ensure America's students are prepared to win the global economic race in the 21st Century.

As Congress continues its important work on the reauthorization of the Elementary and Secondary Education Act, I urge my colleagues to join both Senator Bennet and me in supporting the Growth to Excellence Act.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1654

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the “Growth to Excellence Act of 2011”.

#### SEC. 2. ACCOUNTABILITY MODEL.

Section 1111(b) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)) is amended—

(1) in paragraph (3), by adding at the end the following:

“(E) ASSESSMENTS ABOVE AND BELOW GRADE LEVEL.—

“(i) IN GENERAL.—Notwithstanding any other requirement of this paragraph, a State may carry out this paragraph through the use of adaptive assessments that—

“(I) are administered through a computerized means;

“(II) are aligned with grade-level academic content standards; and

“(III) measure academic growth above and below grade level.

“(ii) REQUIREMENTS FOR ADAPTIVE ASSESSMENTS.—For the results of any adaptive assessment to be included in the accountability model described under paragraph (12), such results must provide the information necessary to determine adequate student growth in accordance with paragraph (12)(C)(i).”; and

(2) by adding at the end the following:

“(11) CRITERIA AND IMPLEMENTATION OF ACCOUNTABILITY MODEL.—

“(A) IN GENERAL.—

“(i) TRANSITIONAL PARTICIPATION.—Prior to a State's adoption of college and career ready academic content standards and college and career ready assessments, as defined in subparagraphs (B) and (C) of paragraph (13), a State may apply to the Secretary to replace the State plan requirements under paragraph (2) with the accountability requirements under paragraph (12).

“(ii) REQUIRED PARTICIPATION.—After the adoption of college and career ready academic content standards and college and career ready assessments, as defined in subparagraphs (B) and (C) of paragraph (13) and required under this subsection—

“(I) a State shall comply with this paragraph and paragraph (12) in lieu of paragraph (2); and

“(II) references in this Act to section 1111(b)(2) shall be deemed to be references to this paragraph and paragraph (12).

“(B) CRITERIA.—A State that participates in the accountability model described in paragraph (12) shall carry out the following activities:

“(i) Implement challenging college and career ready academic content standards, as defined in paragraph (13)(B).

“(ii) Implement college and career ready assessments, as defined in paragraph 13(C).

“(iii) For a secondary school, measure graduation rates as defined in section 200.19(b)(1) of title 34, Code of Federal Regulations.

“(iv) Assess not less than 2 additional indicators of whether students are college and career ready, such as—

“(I) student scores on the ACT;

“(II) student scores on the SAT;

“(III) the percentage of students who attend an institution of higher education;

“(IV) college remediation rates;

“(V) results from Advance Placement or International Baccalaureate exams;

“(VI) student grade point averages at an institution of higher education; or

“(VII) rates of completion of the first year at an institution of higher education.

“(v) Provide a comprehensive State system of accountability for schools that do not meet the standard for adequate student growth, as described in paragraph (12), which aims to ensure that each student is college and career ready before such student graduates from secondary school and which shall include, at a minimum—

“(I) the evaluation of each school and each group of students described in paragraph (2)(C)(v)(II) against annual progress targets described in subclauses (V) and (VI) of paragraph (12)(B)(i) that are aligned with the goal of ensuring that each student is college and career ready before such student graduates from secondary school;

“(II) a system of categorization that will group schools based on—

“(aa) how the overall performance of students, and the performance of each subgroup of students described in paragraph (2)(C)(v)(II), at such school compares to each annual progress target described in subclauses (V) and (VI) of paragraph (12)(B)(i); and

“(bb) if the school is a secondary school, how students at such school perform when measured against key indicators of college and career readiness, as described in clauses (iii) and (iv);

“(III) supports and consequences for each school in the State, as appropriate for each school based on the categorization described in subclause (II); and

“(IV) incentives for schools that consistently exceed the annual progress targets described in subclauses (V) and (VI) of paragraph (12)(B)(i).

“(vi) Adopt intervention mechanisms for schools, as described in section 1116.

“(vii) Ensure that adequate student growth reports are delivered, in a timely manner, to parents and teachers (as appropriate) to enable parents and teachers to examine student progress toward becoming college and career ready.

“(C) ASSESSMENTS ABOVE AND BELOW GRADE LEVEL.—

“(i) IN GENERAL.—In carrying out the assessment requirements described in subparagraph (B)(ii), a State may use adaptive assessments described in paragraph (3)(E).

“(ii) REQUIREMENTS FOR ADAPTIVE ASSESSMENTS.—For the results of any adaptive assessment to be included in the accountability model described under paragraph (12), such results must provide the information necessary to determine adequate student growth in accordance with paragraph (12)(C)(i).

“(12) ACCOUNTABILITY MODEL.—

“(A) IN GENERAL.—Each State that will use an accountability model under this paragraph shall submit a plan to the Secretary, which shall demonstrate that the State has developed and will implement a single, statewide State accountability system that will be effective in ensuring that all local educational agencies, public elementary schools, and public secondary schools meet the standard of adequate student growth as defined under this paragraph.

“(B) COMPONENTS OF THE ACCOUNTABILITY MODEL.—

“(i) IN GENERAL.—Each State accountability model shall—

“(I) be based on the academic standards and academic assessments adopted under paragraphs (1), (3), and (11), and other academic indicators consistent with subparagraph (C)(ii);

“(II) take into account the achievement of all public elementary school and secondary school students;

“(III) be the same accountability model that the State uses for all public elementary schools and secondary schools or all local educational agencies in the State;

“(IV) include components that recognize successful schools and that require intervention measures in struggling schools, which the State will use to hold local educational agencies and public elementary schools and secondary schools accountable for student achievement and for ensuring that such agencies and schools meet the standard of adequate student growth as described in subparagraph (C), in accordance with this paragraph;

“(V) establish annual progress targets for each school that aim to reduce by half, in less than 6 years—

“(aa) the difference between the percentage of students at the top performing schools in the State who meet the college and career ready academic content standards described in paragraph (13)(B) or make adequate student growth, as described in subparagraph (C), and the percentage of such students at each school that is not a top performing school; and

“(bb) for each category of students described in paragraph (2)(C)(v)(II), the difference between the percentage of students who meet the college and career ready academic content standards described in paragraph (13)(B) or make adequate student growth, as described in subparagraph (C), at the top performing schools in the State, and the percentage of such students at each school that is not a top performing school; and

“(VI) establish annual progress targets for each secondary school that aim to reduce by half, in less than 6 years, the difference between the percentage of students who graduate from such secondary school and 90 percent.

“(ii) DEFINITION OF TOP PERFORMING SCHOOL.—In this paragraph, the term ‘top performing school’ means a school that is ranked at the 90th percentile when all schools in a State are ranked (with separate rankings for elementary schools and for secondary schools) from lowest to highest, based on the percentage of students at each school who meet challenging college and career ready academic content standards.

“(iii) TOP PERFORMING SCHOOLS.—A top performing school shall be considered a school that is meeting annual progress targets under subclauses (V) and (VI) of clause (i), for such time as the school remains a top performing school.

“(C) ADEQUATE STUDENT GROWTH.—

“(i) IN GENERAL.—The term ‘adequate student growth’ shall be defined by a State—

“(I) to mean—

“(aa) for each student at a school who is not on track to being college and career ready in a subject, a rate of growth indicating that the student will be on track to being college and career ready within 3 years, or by the last year of student testing, whichever is earlier; and

“(bb) for a student who is on track to being college and career ready in a subject, but is not yet college and career ready, a rate of growth equal to not less than 1 year of academic growth;

“(II) in a manner that—

“(aa) applies the same high standards of academic achievement to all public elementary school and secondary school students in the State;

“(bb) is statistically rigorous, valid, and reliable;

“(cc) results in continuous and substantial academic improvement for all students; and

“(dd) measures the progress of public elementary schools, secondary schools, local educational agencies, and the State based on the academic assessments described in paragraphs (3) and (11).

“(ii) MEASURES OF ADEQUATE SCHOOL PERFORMANCE.—

“(I) IN GENERAL.—A State may develop a composite measure of a school’s adequate student growth, as described under this paragraph, to be used for public reporting, that may incorporate 1 or more of the following indicators:

“(aa) Overall student cohort proficiency or growth to proficiency on the assessments adopted under paragraphs (3) and (11) over a period of 2 or more years.

“(bb) The percentage of students who are making sufficient growth to meet the college and career ready academic content standards, as described in paragraph (13)(B), before the last year that the student is in the student’s current school, or in less than 3 years, whichever occurs earlier.

“(cc) Progress in closing achievement gaps between each group of students listed in paragraph (2)(C)(v)(II) and the overall student population of the school over a period of 2 or more years.

“(dd) For secondary schools, a continuous and substantial increase in the graduation rate (as defined in section 200.19(b)(1) of title 34, Code of Federal Regulations).

“(ee) Year-to-year growth and growth to proficiency on the assessments adopted under paragraphs (3) and (11).

“(ff) Attendance for all public elementary school students.

“(gg) The percentage of students who earn sufficient credits to be promoted to the next grade.

“(hh) The percentage of secondary school graduates who attend an institution of higher education.

“(ii) The percentage of secondary school graduates who do not require remediation at an institution of higher education.

“(II) VALIDITY AND RELIABILITY.—The State shall ensure that each indicator described in this clause is rigorous, valid for the indicator’s assigned use, reliable, and consistent with any relevant nationally recognized professional and technical standards.

“(III) REPORTING OF INDICATORS.—A State shall publicly report each of the indicators that are included within the composite measure of adequate school performance, as described in this clause, in the aggregate and disaggregated by each group of students described in paragraph (2)(C)(v)(II).

“(D) ANNUAL IMPROVEMENT FOR SCHOOLS.—Each year, for a school to meet the standard for adequate student growth under this paragraph, not less than 95 percent of each group of students described in paragraph (2)(C)(v)(II) who are enrolled in the school are required to take the assessments, consistent with paragraph (3), including subparagraph (C)(xi) of such paragraph, and with—

“(i) accommodations provided in the same manner as those provided under section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794); and

“(ii) accommodations and alternative assessments provided in the same manner as those provided under section 612(a)(16)(A) of the Individuals with Disabilities Education Act.

“(E) EVALUATION.—

“(i) SECRETARIAL DUTIES.—The Secretary shall—

“(I) establish a rigorous peer-review process, which shall include a diverse board of experts and community stakeholders, to assist in the review of State accountability model plans, based on the criteria described in subparagraphs (B) and (C)(i);

“(II) appoint individuals to the peer-review process who are representative of parents, teachers, State educational agencies, and local educational agencies, and who are familiar with educational standards, assessments, accountability, the needs of low-performing schools, and other educational needs of students;

“(III) if the Secretary determines that the State plan does not meet the requirements of this paragraph, immediately notify the State of such determination and the reasons for such determination;

“(IV) not decline to approve a State’s accountability model plan before—

“(aa) offering the State an opportunity to revise its accountability model plan;

“(bb) providing technical assistance in order to assist the State to meet the requirements of this paragraph;

“(cc) providing a hearing; and

“(dd) allowing the State to communicate with peer reviewers in order to further explain or justify the merits of the State’s accountability model plan; and

“(V) have the authority to disapprove a State accountability model plan for not meeting the requirements of this paragraph, but shall not have the authority to require a State, as a condition of approval of the State accountability model plan, to include in, or delete from, such plan 1 or more specific elements of the State’s academic content standards or to use specific academic assessment instruments or items.

“(ii) STATE REVISIONS.—A State accountability model plan shall be revised by the State educational agency if it is necessary to satisfy the requirements of this paragraph.

“(F) APPROVED SCHOOLS.—If, as of the date of enactment of the Growth to Excellence



Act of 2011, a State has already received approval from the Secretary to use an accountability model, the Secretary may allow such State a period of not more than 2 years from the date of enactment of such Act to transition to the use of the accountability model described in this paragraph.

“(13) DEFINITIONS.—In this subsection:

“(A) COLLEGE AND CAREER READY.—The term ‘college and career ready’ when used with respect to a student means that the student meets the requirements necessary to be admitted into credit-bearing, nonremedial, entry level coursework at a State public institution of higher education.

“(B) COLLEGE AND CAREER READY ACADEMIC CONTENT STANDARDS.—The term ‘college and career ready academic content standards’ means challenging academic content standards (as required under paragraph (1)) that are—

“(i) developed based on evidence that mastery of such standards corresponds to being college and career ready without the need for remediation; and

“(ii)(I) common to a significant number of States; or

“(II) approved by a system of public 4-year institutions of higher education in the State, such that mastery of such standards leads to placement into credit-bearing, nonremedial, first-year coursework for a student admitted to an institution of higher education that is part of such system.

“(C) COLLEGE AND CAREER READY ASSESSMENTS.—The term ‘college and career ready assessments’ means an assessment for mathematics and an assessment for reading or language arts that—

“(i) measures the annual academic growth of individual students;

“(ii) is aligned with the college and career ready academic content standards described in this paragraph; and

“(iii) meets the requirements under paragraph (3).

“(D) ON TRACK TO BEING COLLEGE AND CAREER READY.—The term ‘on track to being college and career ready’ in a subject means that a student is performing at or above grade level, such that the student will be college and career ready in the subject before graduation from secondary school, as measured by the State assessment system.”.

#### AMENDMENTS SUBMITTED AND PROPOSED

SA 670. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 1619, to provide for identification of misaligned currency, require action to correct the misalignment, and for other purposes; which was ordered to lie on the table.

SA 671. Mr. BARRASSO submitted an amendment intended to be proposed by him to the bill S. 1619, supra; which was ordered to lie on the table.

SA 672. Mr. BARRASSO (for himself, Mr. MANCHIN, and Mr. BLUNT) submitted an amendment intended to be proposed by him to the bill S. 1619, supra; which was ordered to lie on the table.

SA 673. Ms. MURKOWSKI (for herself and Mr. HELLER) submitted an amendment intended to be proposed by her to the bill S. 1619, supra; which was ordered to lie on the table.

SA 674. Mr. HELLER (for himself and Mr. VITTER) submitted an amendment intended to be proposed by him to the bill S. 1619, supra; which was ordered to lie on the table.

SA 675. Mr. MENENDEZ (for himself and Mr. CARDIN) submitted an amendment intended to be proposed by him to the bill S. 1619, supra; which was ordered to lie on the table.

SA 676. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 1619, supra; which was ordered to lie on the table.

SA 677. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 1619, supra; which was ordered to lie on the table.

SA 678. Mr. PAUL (for himself, Mr. VITTER, Mr. DEMINT, and Mr. LEE) submitted an amendment intended to be proposed by him to the bill S. 1619, supra; which was ordered to lie on the table.

SA 679. Mr. HATCH submitted an amendment intended to be proposed by him to the bill S. 1619, supra; which was ordered to lie on the table.

SA 680. Mr. HATCH (for himself and Mr. BLUNT) submitted an amendment intended to be proposed by him to the bill S. 1619, supra; which was ordered to lie on the table.

SA 681. Mr. HATCH submitted an amendment intended to be proposed by him to the bill S. 1619, supra; which was ordered to lie on the table.

SA 682. Mr. HATCH submitted an amendment intended to be proposed by him to the bill S. 1619, supra; which was ordered to lie on the table.

SA 683. Mr. HATCH submitted an amendment intended to be proposed by him to the bill S. 1619, supra; which was ordered to lie on the table.

SA 684. Mr. HATCH submitted an amendment intended to be proposed by him to the bill S. 1619, supra; which was ordered to lie on the table.

SA 685. Mr. CRAPO (for himself, Mr. JOHANNIS, Mr. SHELBY, Mr. VITTER, Mr. TOOMEY, Mr. MORAN, and Mr. KIRK) submitted an amendment intended to be proposed by him to the bill S. 1619, supra; which was ordered to lie on the table.

SA 686. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 1619, supra; which was ordered to lie on the table.

SA 687. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 1619, supra; which was ordered to lie on the table.

SA 688. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 1619, supra; which was ordered to lie on the table.

SA 689. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 1619, supra; which was ordered to lie on the table.

SA 690. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 1619, supra; which was ordered to lie on the table.

SA 691. Mr. LEE submitted an amendment intended to be proposed by him to the bill S. 1619, supra; which was ordered to lie on the table.

SA 692. Mr. JOHANNIS submitted an amendment intended to be proposed by him to the bill S. 1619, supra; which was ordered to lie on the table.

SA 693. Mr. WEBB submitted an amendment intended to be proposed by him to the bill S. 1619, supra; which was ordered to lie on the table.

SA 694. Mr. REID proposed an amendment to the bill S. 1619, supra.

SA 695. Mr. REID proposed an amendment to amendment SA 694 proposed by Mr. REID to the bill S. 1619, supra.

SA 696. Mr. REID proposed an amendment to the bill S. 1619, supra.

SA 697. Mr. REID proposed an amendment to amendment SA 696 proposed by Mr. REID to the bill S. 1619, supra.

SA 698. Mr. REID proposed an amendment to amendment SA 697 proposed by Mr. REID to the amendment SA 696 proposed by Mr. REID to the bill S. 1619, supra.

SA 699. Mr. CORKER submitted an amendment intended to be proposed by him to the bill S. 1619, supra; which was ordered to lie on the table.

SA 700. Ms. SNOWE (for herself and Mr. COBURN) submitted an amendment intended to be proposed by her to the bill S. 1619, supra; which was ordered to lie on the table.

SA 701. Mr. ROBERTS submitted an amendment intended to be proposed by him to the bill S. 1619, supra; which was ordered to lie on the table.

SA 702. Mr. ROBERTS submitted an amendment intended to be proposed by him to the bill S. 1619, supra; which was ordered to lie on the table.

SA 703. Mr. BROWN, of Massachusetts submitted an amendment intended to be proposed by him to the bill S. 1619, supra; which was ordered to lie on the table.

SA 704. Ms. STABENOW (for herself and Mr. GRAHAM) submitted an amendment intended to be proposed by her to the bill S. 1619, supra; which was ordered to lie on the table.

SA 705. Mr. UDALL, of Colorado submitted an amendment intended to be proposed by him to the bill S. 1619, supra; which was ordered to lie on the table.

SA 706. Mr. BROWN, of Massachusetts submitted an amendment intended to be proposed by him to the bill S. 1619, supra; which was ordered to lie on the table.

SA 707. Mr. BROWN, of Massachusetts submitted an amendment intended to be proposed by him to the bill S. 1619, supra; which was ordered to lie on the table.

SA 708. Mr. BROWN, of Massachusetts submitted an amendment intended to be proposed by him to the bill S. 1619, supra; which was ordered to lie on the table.

SA 709. Mr. BROWN, of Massachusetts submitted an amendment intended to be proposed by him to the bill S. 1619, supra; which was ordered to lie on the table.

SA 710. Mr. BROWN, of Massachusetts submitted an amendment intended to be proposed by him to the bill S. 1619, supra; which was ordered to lie on the table.

SA 711. Mr. BROWN, of Massachusetts submitted an amendment intended to be proposed by him to the bill S. 1619, supra; which was ordered to lie on the table.

SA 712. Mr. SHELBY (for himself, Mr. CRAPO, Mr. CORKER, Mr. DEMINT, Mr. VITTER, Mr. JOHANNIS, Mr. TOOMEY, Mr. KIRK, Mr. MORAN, and Mr. WICKER) submitted an amendment intended to be proposed by him to the bill S. 1619, supra; which was ordered to lie on the table.

SA 713. Mr. WHITEHOUSE submitted an amendment intended to be proposed by him to the bill S. 1619, supra; which was ordered to lie on the table.

SA 714. Mr. WYDEN (for himself and Mr. CRAPO) submitted an amendment intended to be proposed by him to the bill S. 1619, supra; which was ordered to lie on the table.

SA 715. Mr. WYDEN (for himself, Ms. SNOWE, Mr. SCHUMER, Mr. PORTMAN, Mr. BLUNT, and Mrs. MCCASKILL) submitted an amendment intended to be proposed by him to the bill S. 1619, supra; which was ordered to lie on the table.

SA 716. Mr. HATCH submitted an amendment intended to be proposed by him to the bill S. 1619, supra; which was ordered to lie on the table.

SA 717. Ms. COLLINS submitted an amendment intended to be proposed by her to the bill S. 1619, supra; which was ordered to lie on the table.

SA 718. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1619, supra; which was ordered to lie on the table.

SA 719. Mr. THUNE submitted an amendment intended to be proposed by him to the

bill S. 1619, supra; which was ordered to lie on the table.

SA 720. Mr. ROBERTS (for himself and Mr. JOHANNIS) submitted an amendment intended to be proposed by him to the bill S. 1619, supra; which was ordered to lie on the table.

SA 721. Mr. RUBIO submitted an amendment intended to be proposed by him to the bill S. 1619, supra; which was ordered to lie on the table.

#### TEXT OF AMENDMENTS

**SA 670.** Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 1619, to provide for identification of misaligned currency, require action to correct the misalignment, and for other purposes; which was ordered to lie on the table; as follows:

On page 33, after line 5, add the following:

**SEC. 16. PROHIBITION ON FOREIGN AID TO COUNTRIES HOLDING MORE THAN \$10,000,000,000 IN UNITED STATES DEBT.**

(a) **PROHIBITION ON FUNDING.**—Except as provided in subsection (c), no funds may be appropriated or otherwise made available to provide assistance to the people or government of a country that is listed by the United States Treasury as owning more than \$10,000,000,000 in United States debt. This prohibition includes both direct bilateral assistance and assistance provided by the United States Agency for International Development to nongovernmental organizations and multilateral organizations, including the United Nations and affiliated organizations, for programs designed to assist the residents of any country that owns more than \$10,000,000,000 in United States debt.

(b) **RESCISSION OF FISCAL YEAR 2012 FUNDS.**—Any funds appropriated or otherwise made available for fiscal year 2012 for assistance prohibited under subsection (a) and available for obligation as of the date of the enactment of this Act are hereby rescinded.

(c) **EXCEPTIONS.**—

(1) **EXEMPTED ASSISTANCE.**—The prohibition under subsection (a) does not apply to—

(A) Foreign Military Financing assistance;

(B) assistance for programs to strengthen the rule of law and good governance; and

(C) assistance for programs to promote religious liberty and freedom.

(2) **PRESIDENTIAL WAIVER.**—

(A) **IN GENERAL.**—The President may waive the prohibition on assistance under subsection (a) if the President determines that providing such assistance is necessary to respond to an emergency requirement.

(B) **EMERGENCY REQUIREMENT DEFINED.**—

(i) **DEFINITION.**—For purposes of this paragraph, an emergency requirement is—

(I) necessary, essential, or vital (not merely useful or beneficial);

(II) sudden, quickly coming into being, and not building up over time;

(III) an urgent, pressing, and compelling need requiring immediate action;

(IV) subject to clause (ii), unforeseen, unpredictable, and unanticipated; and

(V) not permanent in nature.

(ii) **MEANING OF UNFORESEEN.**—For purposes of this subparagraph, an emergency that is part of an aggregate level of anticipated emergencies, particularly when normally estimated in advance, is not unforeseen.

(C) **CONGRESSIONAL NOTIFICATION.**—The President shall notify the Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Committee on Foreign Affairs and the Committee on Appropriations of the House of

Representatives not later than 15 days after exercising a waiver under this paragraph.

**SA 671.** Mr. BARRASSO submitted an amendment intended to be proposed by him to the bill S. 1619, to provide for identification of misaligned currency, require action to correct the misalignment, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_ . ASSESSMENTS OF EMPLOYMENT IMPACT.**

(a) **SHORT TITLE.**—This section may be cited as the “Employment Impact Act of 2011”.

(b) **PURPOSE.**—The purposes of this section are the following:

(1) To declare that the impact of Federal regulations on jobs and job prospects in the United States is a significant and relevant consideration to all Federal regulatory policy actions and henceforth should be taken into account by Federal regulators when they decide to take actions under their respective statutory authorities.

(2) To express the concern of Congress that Federal regulators consider the cumulative impact of multiple proposed Federal regulations on jobs and job prospects in the United States and that the cumulative impact of such regulations should be given all due consideration and weighed in the balance with the other purposes sought to be achieved by such regulatory measures.

(c) **DUTY TO ASSESS THE IMPACT OF FEDERAL ACTION ON JOBS AND JOB OPPORTUNITIES.**—

(1) **IN GENERAL.**—The Congress authorizes and directs, to the fullest extent possible, that all agencies of the Federal Government shall—

(A) utilize a systematic, interdisciplinary approach which shall insure the integrated use of the relevant fields of research and learning in planning and decisionmaking which may have an impact on jobs and job opportunities;

(B) identify and develop methods and procedures, in consultation with the Council on Economic Advisors, Office of the President, which will insure that presently unquantified impacts on job and job opportunities may be given appropriate consideration in decisionmaking along with environmental and other considerations; and

(C) include in every recommendation or report on proposals for legislation and other major Federal actions with potentially significant effects on jobs and job opportunities, a jobs impact statement as described in paragraph (2).

(2) **JOBS IMPACT STATEMENT.**—

(A) **CONTENTS.**—A jobs impact statement required under paragraph (1) shall include a detailed statement by the responsible official on—

(i) the impact of the proposed action on jobs and job opportunities, including an assessment of the jobs that would be lost, gained, or sent overseas as a result of the proposed action;

(ii) any adverse effect on jobs and job opportunities which could not be avoided should the proposal be implemented;

(iii) alternatives and modifications to the proposed action that could avoid negative impacts on jobs and job opportunities; and

(iv) the relationship between any local short-term impacts on jobs and job opportunities and the maintenance and enhancements of long-term productivity and environmental values.

(B) **CONSULTATION WITH RELEVANT FEDERAL AGENCIES.**—Prior to preparing a jobs impact

statement, the responsible Federal official shall consult with and obtain the comments of any Federal agency which has jurisdiction by law or special expertise with respect to any jobs or job opportunities impacts involved. Copies of such statement and the comments and views of the appropriate Federal, State, and local agencies that are authorized to develop and enforce policies and programs relevant to jobs and job opportunities, shall be made available to the Council of Economic Advisors and to the public as provided by section 552 of title 5, United States Code, and shall accompany the proposal through the existing agency review process.

(C) **CUMULATIVE IMPACT OF PROPOSED ACTIONS.**—In determining the impact of a proposed action on jobs and job opportunities, the responsible Federal official shall take into account the cumulative impact on jobs and job opportunities of concurrently pending proposals affecting a particular industry or sector of the economy, and shall not make a finding of no significant impact solely on the basis of examining the impacts of a single proposal in isolation from other pending proposals.

(D) **COMBINING ENVIRONMENTAL AND JOB IMPACT STATEMENTS.**—A jobs impact statement required under this section may be combined with a detailed statement of environmental impacts required to be prepared under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), if both statements are required with respect to the same proposed action.

(d) **CONFORMITY OF ADMINISTRATIVE PROCEDURES.**—All agencies of the Federal Government shall review their present statutory authority, administrative regulations, and current policies and procedures for the purpose of determining whether there are any deficiencies or inconsistencies therein which prohibit full compliance with the purposes and provisions of this section, and shall propose to the President not later than one year after enactment of this Act, such measures as may be necessary to bring their authority and policies into conformity with the intent, purposes, and procedures set forth in this section.

(e) **NO JUDICIAL REVIEW OF JOBS IMPACT STATEMENTS.**—Implementation of this section, including a jobs impact statement prepared in accordance with this section, shall not be subject to judicial review.

**SA 672.** Mr. BARRASSO (for himself, Mr. MANCHIN, and Mr. BLUNT) submitted an amendment intended to be proposed by him to the bill S. 1619, to provide for identification of misaligned currency, require action to correct the misalignment, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

**TITLE XX—STANDARDS FOR CEMENT MANUFACTURING**

**SEC. \_\_\_\_ 01. SHORT TITLE.**

This title may be cited as the “Cement Sector Regulatory Relief Act of 2011”.

**SEC. \_\_\_\_ 02. LEGISLATIVE STAY.**

(a) **ESTABLISHMENT OF STANDARDS.**—In lieu of the rules specified in subsection (b), and notwithstanding the date by which those rules would otherwise be required to be promulgated, the Administrator of the Environmental Protection Agency (referred to in this title as the “Administrator”) shall—

(1) propose regulations for the Portland cement manufacturing industry and Portland cement plants that are subject to any of the rules specified in subsection (b) that—

(A) establish maximum achievable control technology standards, performance standards, and other requirements under sections 112 and 129, as applicable, of the Clean Air Act (42 U.S.C. 7412, 7429); and

(B) identify nonhazardous secondary materials that, when used as fuels in combustion units of that industry and those plants, qualify as solid waste under the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.) for purposes of determining the extent to which the combustion units are required to meet the emission standards under section 112 or 129 of the Clean Air Act (42 U.S.C. 7412, 7429); and

(2) promulgate final versions of those regulations by not later than—

(A) the date that is 15 months after the date of enactment of this Act; or

(B) such later date as may be determined by the Administrator.

(b) STAY OF EARLIER RULES.—

(1) PORTLAND-SPECIFIC RULES.—The final rule entitled “National Emission Standards for Hazardous Air Pollutants from the Portland Cement Manufacturing Industry and Standards of Performance for Portland Cement Plants” (75 Fed. Reg. 54970 (September 9, 2010)) shall be—

(A) of no force or effect;

(B) treated as though the rule had never taken effect; and

(C) replaced in accordance with subsection (a).

(2) OTHER RULES.—

(A) IN GENERAL.—The final rules described in subparagraph (B), to the extent that those rules apply to the Portland cement manufacturing industry and Portland cement plants, shall be—

(i) of no force or effect;

(ii) treated as though the rules had never taken effect; and

(iii) replaced in accordance with subsection (a).

(B) DESCRIPTION OF RULES.—The final rules described in this subparagraph are—

(i) the final rule entitled “Standards of Performance for New Stationary Sources and Emission Guidelines for Existing Sources: Commercial and Industrial Solid Waste Incineration Units” (76 Fed. Reg. 15704 (March 21, 2011)); and

(ii) the final rule entitled “Identification of Non-Hazardous Secondary Materials That Are Solid Waste” (76 Fed. Reg. 15456 (March 21, 2011)).

#### SEC. 03. COMPLIANCE DATES.

(a) ESTABLISHMENT OF COMPLIANCE DATES.—For each regulation promulgated pursuant to section 02(a), the Administrator—

(1) shall establish a date for compliance with standards and requirements under the regulation that is, notwithstanding any other provision of law, not earlier than 5 years after the effective date of the regulation; and

(2) in proposing a date for that compliance, shall take into consideration—

(A) the costs of achieving emission reductions;

(B) any non-air quality health and environmental impact and energy requirements of the standards and requirements;

(C) the feasibility of implementing the standards and requirements, including the time necessary—

(i) to obtain necessary permit approvals; and

(ii) to procure, install, and test control equipment;

(D) the availability of equipment, suppliers, and labor, given the requirements of the regulation and other proposed or finalized regulations of the Administrator; and

(E) potential net employment impacts.

(b) NEW SOURCES.—The date on which the Administrator proposes a regulation pursu-

ant to section 02(a)(1) establishing an emission standard under section 112 or 129 of the Clean Air Act (42 U.S.C. 7412, 7429) shall be treated as the date on which the Administrator first proposes such a regulation for purposes of applying—

(1) the definition of the term “new source” under section 112(a)(4) of that Act (42 U.S.C. 7412(a)(4)); or

(2) the definition of the term “new solid waste incineration unit” under section 129(g)(2) of that Act (42 U.S.C. 7429(g)(2)).

(c) RULE OF CONSTRUCTION.—Nothing in this title restricts or otherwise affects paragraphs (3)(B) and (4) of section 112(i) of the Clean Air Act (42 U.S.C. 7412(i)).

#### SEC. 04. ENERGY RECOVERY AND CONSERVATION.

Notwithstanding any other provision of law, and to ensure the recovery and conservation of energy consistent with the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.), in promulgating regulations under section 02(a) addressing the subject matter of the rules specified in section 02(b)(2), the Administrator shall—

(1) adopt the definitions of the terms “commercial and industrial solid waste incineration unit”, “commercial and industrial waste”, and “contained gaseous material” in the rule entitled “Standards for Performance of New Stationary Sources and Emission Guidelines for Existing Sources: Commercial and Industrial Solid Waste Incineration Units” (65 Fed. Reg. 75338 (December 1, 2000)); and

(2) identify nonhazardous secondary material to be solid waste (as defined in section 1004 of the Solid Waste Disposal Act (42 U.S.C. 6903) only if—

(A) the material meets that definition of commercial and industrial waste; or

(B) if the material is a gas, the material meets that definition of contained gaseous material.

#### SEC. 05. OTHER PROVISIONS.

(a) ESTABLISHMENT OF STANDARDS ACHIEVABLE IN PRACTICE.—In promulgating regulations under section 02(a), the Administrator shall ensure, to the maximum extent practicable, that emission standards for existing and new sources established under section 112 or 129 of the Clean Air Act (42 U.S.C. 7412, 7429), as applicable, can be met under actual operating conditions consistently and concurrently with emission standards for all other air pollutants covered by regulations applicable to the source category, taking into account—

(1) variability in actual source performance;

(2) source design;

(3) fuels;

(4) inputs;

(5) controls;

(6) ability to measure the pollutant emissions; and

(7) operating conditions.

(b) REGULATORY ALTERNATIVES.—For each regulation promulgated under section 02(a), from among the range of regulatory alternatives authorized under the Clean Air Act (42 U.S.C. 7401 et seq.), including work practice standards under section 112(h) of that Act (42 U.S.C. 7412(h)), the Administrator shall impose the least burdensome, consistent with the purposes of that Act and Executive Order 13563 (76 Fed. Reg. 3821 (January 21, 2011)).

**SA 673.** Ms. MURKOWSKI (for herself and Mr. HELLER) submitted an amendment intended to be proposed by him to the bill S. 1619, to provide for identification of misaligned currency, require action to correct the misalignment, and for other purposes; which

was ordered to lie on the table; as follows:

At the end, add the following:

#### TITLE —CRITICAL MINERALS

##### SEC. 01. SHORT TITLE.

This title may be cited as the “Critical Minerals Policy Act of 2011”.

##### SEC. 02. DEFINITIONS.

In this title:

(1) APPLICABLE COMMITTEES.—The term “applicable committees” means—

(A) the Committee on Energy and Natural Resources of the Senate;

(B) the Committee on Natural Resources of the House of Representatives;

(C) the Committee on Energy and Commerce of the House of Representatives; and

(D) the Committee on Science, Space, and Technology of the House of Representatives.

(2) CLEAN ENERGY TECHNOLOGY.—The term “clean energy technology” means a technology related to the production, use, transmission, storage, control, or conservation of energy that—

(A) reduces the need for additional energy supplies by using existing energy supplies with greater efficiency or by transmitting, distributing, storing, or transporting energy with greater effectiveness in or through the infrastructure of the United States;

(B) diversifies the sources of energy supply of the United States to strengthen energy security and to increase supplies with a favorable balance of environmental effects if the entire technology system is considered; or

(C) contributes to a stabilization of atmospheric greenhouse gas concentrations through reduction, avoidance, or sequestration of energy-related greenhouse gas emissions.

(3) CRITICAL MINERAL.—

(A) IN GENERAL.—The term “critical mineral” means any mineral designated as a critical mineral pursuant to section 11.

(B) EXCLUSIONS.—The term “critical mineral” does not include coal, oil, natural gas, or any other fossil fuels.

(4) CRITICAL MINERAL MANUFACTURING.—The term “critical mineral manufacturing” means—

(A) the production, processing, refining, alloying, separation, concentration, magnetic sintering, melting, or beneficiation of critical minerals within the United States;

(B) the fabrication, assembly, or production, within the United States, of clean energy technologies (including technologies related to wind, solar, and geothermal energy, efficient lighting, electrical superconducting materials, permanent magnet motors, batteries, and other energy storage devices), military equipment, and consumer electronics, or components necessary for applications; or

(C) any other value-added, manufacturing-related use of critical minerals undertaken within the United States.

(5) INDIAN TRIBE.—The term “Indian tribe” has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(6) MILITARY EQUIPMENT.—The term “military equipment” means equipment used directly by the armed forces to carry out military operations.

(7) RARE EARTH ELEMENT.—

(A) IN GENERAL.—The term “rare earth element” means the chemical elements in the periodic table from lanthanum (atomic number 57) up to and including lutetium (atomic number 71).

(B) INCLUSIONS.—The term “rare earth element” includes the similar chemical elements yttrium (atomic number 39) and scandium (atomic number 21).

(8) SECRETARY.—

(A) SUBTITLE A.—In subtitle A, the term “Secretary” means the Secretary of the Interior—

- (i) acting through the Director of the United States Geological Survey; and
- (ii) in consultation with (as appropriate)—
  - (I) the Secretary of Energy;
  - (II) the Secretary of Defense;
  - (III) the Secretary of Commerce;
  - (IV) the Secretary of State;
  - (V) the Secretary of Agriculture;
  - (VI) the United States Trade Representative; and
  - (VII) the heads of other applicable Federal agencies.

(B) SUBTITLE B.—In subtitle B, the term “Secretary” means the Secretary of Energy.

- (9) STATE.—The term “State” means—
- (A) a State;
  - (B) the Commonwealth of Puerto Rico; and
  - (C) any other territory or possession of the United States.

(10) VALUE-ADDED.—The term “value-added” means, with respect to an activity, an activity that changes the form, fit, or function of a product, service, raw material, or physical good such that the resultant market price is greater than the cost of making the changes.

(11) WORKING GROUP.—The term “Working Group” means the Critical Minerals Working Group established under section 14(a).

#### Subtitle A—Designations and Policies

#### SEC. 11. DESIGNATIONS.

(a) DRAFT METHODOLOGY.—Not later than 30 days after the date of enactment of this Act, the Secretary shall publish in the Federal Register for public comment a draft methodology for determining which minerals qualify as critical minerals based on an assessment of whether the minerals are—

(1) subject to potential supply restrictions (including restrictions associated with foreign political risk, abrupt demand growth, military conflict, and anti-competitive or protectionist behaviors); and

(2) important in use (including clean energy technology-, defense-, agriculture-, and health care-related applications).

(b) AVAILABILITY OF DATA.—If available data is insufficient to provide a quantitative basis for the methodology developed under this section, qualitative evidence may be used.

(c) FINAL METHODOLOGY.—After reviewing public comments on the draft methodology under subsection (a) and updating that draft methodology as appropriate, the Secretary shall enter into an arrangement with the National Academy of Sciences and the National Academy of Engineering to obtain, not later than 120 days after the date of enactment of this Act—

- (1) a review of the methodology; and
- (2) recommendations for improving the methodology.

(d) FINAL METHODOLOGY.—After reviewing the recommendations under subsection (c), not later than 150 days after the date of enactment of this Act, the Secretary shall publish in the Federal Register a description of the final methodology for determining which minerals qualify as critical minerals.

(e) DESIGNATIONS.—Not later than 180 days after the date of enactment of this Act, the Secretary shall publish in the Federal Register a list of minerals designated as critical, pursuant to the final methodology under subsection (d), for purposes of carrying out this title.

(f) SUBSEQUENT REVIEW.—The methodology and designations developed under subsections (d) and (e) shall be updated at least every 5 years, or in more regular intervals if considered appropriate by the Secretary.

(g) NOTICE.—On finalization of the methodology under subsection (d), the list under

subsection (e), or any update to the list under subsection (f), the Secretary shall submit to the applicable committees written notice of the action.

#### SEC. 12. POLICY.

(a) POLICY.—It is the policy of the United States to promote an adequate, reliable, domestic, and stable supply of critical minerals, produced in an environmentally responsible manner, in order to strengthen and sustain the economic security, and the manufacturing, industrial, energy, technological, and competitive stature, of the United States.

(b) COORDINATION.—The President, acting through the Executive Office of the President, shall coordinate the actions of Federal agencies under this and other Acts—

(1) to encourage Federal agencies to facilitate the availability, development, and environmentally responsible production of domestic resources to meet national critical minerals needs;

(2) to minimize duplication, needless paperwork, and delays in the administration of applicable laws (including regulations) and the issuance of permits and authorizations necessary to explore for, develop, and produce critical minerals and construct and operate critical mineral manufacturing facilities in an environmentally responsible manner;

(3) to promote the development of economically stable and environmentally responsible domestic critical mineral production and manufacturing;

(4) to establish an analytical and forecasting capability for identifying critical mineral demand, supply, and other market dynamics relevant to policy formulation such that informed actions can be taken to avoid supply shortages, mitigate price volatility, and prepare for demand growth and other market shifts;

(5) to strengthen educational and research capabilities and workforce training;

(6) to bolster international cooperation through technology transfer, information sharing, and other means;

(7) to promote the efficient production, use, and recycling of critical minerals;

(8) to develop alternatives to critical minerals; and

(9) to establish contingencies for the production of, or access to, critical minerals for which viable sources do not exist within the United States.

#### SEC. 13. RESOURCE ASSESSMENT.

(a) IN GENERAL.—Not later than 4 years after the date of enactment of this Act, in consultation with applicable State (including geological surveys), local, academic, industry, and other entities, the Secretary shall complete a comprehensive national assessment of each critical mineral that—

(1) identifies and quantifies known critical mineral resources, using all available public and private information and datasets, including exploration histories;

(2) estimates the cost of production of the critical mineral resources identified and quantified under this section, using all available public and private information and datasets, including exploration histories;

(3) provides a quantitative and qualitative assessment of undiscovered critical mineral resources throughout the United States, including probability estimates of tonnage and grade, using all available public and private information and datasets, including exploration histories;

(4) provides qualitative information on the environmental attributes of the critical mineral resources identified under this section; and

(5) pays particular attention to the identification and quantification of critical min-

eral resources on Federal land that is open to location and entry for exploration, development, and other uses.

(b) FIELD WORK.—If existing information and datasets prove insufficient to complete the assessment under this section and there is no reasonable opportunity to obtain the information and datasets from nongovernmental entities, the Secretary may carry out field work (including drilling, remote sensing, geophysical surveys, geological mapping, and geochemical sampling and analysis) to supplement existing information and datasets available for determining the existence of critical minerals on—

(1) Federal land that is open to location and entry for exploration, development, and other uses;

(2) Indian tribe land, at the request and with the written permission of the Indian tribe; and

(3) State land, at the request and with the written permission of the Governor of a State.

(c) TECHNICAL ASSISTANCE.—At the request of the Governor of a State or an Indian tribe, the Secretary may provide technical assistance to State governments and Indian tribes conducting critical mineral resource assessments on non-Federal land.

(d) FINANCIAL ASSISTANCE.—The Secretary may make grants to State governments, or Indian tribes and economic development entities of Indian tribes, to cover the costs associated with assessments of critical mineral resources on State or Indian tribe land.

(e) REPORT.—Not later than 4 years after the date of enactment of this Act, the Secretary shall submit to the applicable committees a report describing the results of the assessment conducted under this section.

(f) PRIORITIZATION.—

(1) IN GENERAL.—The Secretary may sequence the completion of resource assessments for each critical mineral such that critical materials considered to be most critical under the methodology established pursuant to section 11 are completed first.

(2) REPORTING.—If the Secretary sequences the completion of resource assessments for each critical material, the Secretary shall submit a report under subsection (e) on an iterative basis over the 4-year period beginning on the date of enactment of this Act.

(g) UPDATES.—The Secretary shall periodically update the assessment conducted under this section based on—

(1) the generation of new information or datasets by the Federal government; or

(2) the receipt of new information or datasets from critical mineral producers, State geological surveys, academic institutions, trade associations, or other entities or individuals.

#### SEC. 14. PERMITTING.

(a) CRITICAL MINERALS WORKING GROUP.—

(1) IN GENERAL.—There is established within the Department of the Interior a working group to be known as the “Critical Minerals Working Group”, which shall report to the President and Congress through the Secretary.

(2) COMPOSITION.—The Working Group shall be composed of the following:

(A) The Secretary of the Interior (or a designee), who shall serve as chair of the Working Group.

(B) A Presidential designee from the Executive Office of the President, who shall serve as vice-chair of the Working Group.

(C) The Secretary of Energy (or a designee).

(D) The Secretary of Agriculture (or a designee).

(E) The Secretary of Defense (or a designee).

(F) The Secretary of Commerce (or a designee).

(G) The Secretary of State (or a designee).  
 (H) The United States Trade Representative (or a designee).

(I) The Administrator of the Environmental Protection Agency (or a designee).

(J) The Chief of Engineers of the Corps of Engineers (or a designee).

(b) **CONSULTATION.**—The Working Group shall operate in consultation with private sector, academic, and other applicable stakeholders with experience related to—

- (1) critical minerals exploration;
- (2) critical minerals permitting;
- (3) critical minerals production; and
- (4) critical minerals manufacturing.

(c) **DUTIES.**—The Working Group shall—

(1) facilitate Federal agency efforts to optimize efficiencies associated with the permitting of activities that will increase exploration and development of domestic, critical minerals, while maintaining environmental standards;

(2) facilitate Federal agency review of laws (including regulations) and policies that discourage investment in exploration and development of domestic, critical minerals;

(3) assess whether Federal policies adversely impact the global competitiveness of the domestic, critical minerals exploration and development sector (including taxes, fees, regulatory burdens, and access restrictions);

(4) evaluate the sufficiency of existing mechanisms for the provision of tenure on Federal land and the role of the mechanisms in attracting capital investment for the exploration and development of domestic, critical minerals; and

(5) generate such other information and take such other actions as the Working Group considers appropriate to achieve the policy described in section 12(a).

(d) **REPORT.**—Not later than 300 days after the date of enactment of this Act, the Working Group shall submit to the applicable committees a report that—

(1) describes the results of actions taken under subsection (c);

(2) evaluates the amount of time typically required (including range derived from minimum and maximum durations, mean, median, variance, and other statistical measures or representations) to complete each step (including those aspects outside the control of the executive branch of the Federal Government, such as judicial review, applicant decisions, or State and local government involvement) associated with the processing of applications, operating plans, leases, licenses, permits, and other use authorizations for critical mineral-related activities on Federal land, which shall serve as a baseline for the performance metric developed and finalized under subsections (e) and (f), respectively;

(3) identifies measures (including regulatory changes and legislative proposals) that would optimize efficiencies, while maintaining environmental standards, associated with the permitting of activities that will increase exploration and development of domestic, critical minerals; and

(4) identifies options (including cost recovery paid by applicants) for ensuring adequate staffing of divisions, field offices, or other entities responsible for the consideration of applications, operating plans, leases, licenses, permits, and other use authorizations for critical mineral-related activities on Federal land.

(e) **DRAFT PERFORMANCE METRIC.**—Not later than 330 days after the date of enactment of this Act, and upon completion of the report required under subsection (d), the Working Group shall publish in the Federal Register for public comment a draft description of a performance metric for evaluating the progress made by the executive branch of

the Federal Government on matters within the control of that branch towards optimizing efficiencies, while maintaining environmental standards, associated with the permitting of activities that will increase exploration and development of domestic, critical minerals (referred to in this section as the “performance metric”).

(f) **FINAL PERFORMANCE METRIC.**—Not later than 1 year after the date of enactment of this Act, and after consideration of public comments received pursuant to subsection (e), the Working Group shall publish in the Federal Register a description of the final performance metric.

(g) **ANNUAL REPORT.**—Not later than 2 years after the date of enactment of this Act, using the performance metric under subsection (f), and annually thereafter, the Working Group shall submit to the applicable committees, as part of the budget request of the Department of the Interior for each fiscal year, each report that—

(1) describes the progress made by the executive branch of the Federal Government on matters within the control of that branch towards optimizing efficiencies, while maintaining environmental standards, associated with the permitting of activities that will increase exploration and development of domestic, critical minerals; and

(2) compares the United States to other countries in terms of permitting efficiency, environmental standards, and other criteria relevant to a globally competitive economic sector.

(h) **REPORT OF SMALL BUSINESS ADMINISTRATION.**—Not later than 300 days after the date of enactment of this Act, the Administrator of the Small Business Administration shall submit to the applicable committees a report that assesses the performance of Federal agencies in—

(1) complying with chapter 6 of title 5, United States Code (commonly known as the “Regulatory Flexibility Act”), in promulgating regulations applicable to the critical minerals industry; and

(2) performing an analysis of regulations applicable to the critical minerals industry that may be outmoded, inefficient, duplicative, or excessively burdensome.

(i) **JUDICIAL REVIEW.**—

(1) **IN GENERAL.**—Nothing in this section affects any judicial review of an agency action under any other provision of law.

(2) **CONSTRUCTION.**—This section—

(A) is intended to improve the internal management of the Federal Government; and

(B) does not create any right or benefit, substantive or procedural, enforceable at law or equity by a party against the United States (including an agency, instrumentality, officer, or employee thereof) or any other person.

#### **SEC. 15. MANUFACTURING.**

(a) **AGREEMENT.**—At the request of the Governor of a State, the President (or a designee) may enter into a cooperative agreement with the State for the processing of permits for critical mineral manufacturing facilities (including those related to wind, solar, and geothermal energy, efficient lighting, electrical superconducting materials, permanent magnet motors, and batteries and other energy storage devices) under which each party to the agreement identifies steps, including timelines, that the party will take to optimize efficiencies, while maintaining environmental standards, associated with the environmental review and consideration of Federal and State permits for a new critical mineral manufacturing facility.

(b) **AUTHORITY UNDER AGREEMENT.**—In carrying out this section, the President may—

(1) accept from an applicant a consolidated application for all permits required by the

Federal Government, to the extent consistent with other applicable law;

(2) facilitate memoranda of agreement between Federal agencies to coordinate consideration of applications and permits among Federal agencies; and

(3) enter into memoranda of agreement with a State, under which Federal and State review of permit applications will be coordinated and concurrently considered, to the maximum extent practicable.

(c) **STATE ASSISTANCE.**—The President may provide technical, legal, or other assistance to State governments to facilitate State review of applications to build new critical mineral manufacturing facilities.

#### **SEC. 16. RECYCLING AND ALTERNATIVES.**

(a) **ESTABLISHMENT.**—The Secretary of Energy shall conduct a program of research and development to promote the efficient production, use, and recycling of, and alternatives to, critical minerals.

(b) **COOPERATION.**—In carrying out the program, the Secretary of Energy shall cooperate with appropriate—

(1) Federal agencies and National Laboratories;

(2) critical mineral producers;

(3) critical mineral manufacturers;

(4) trade associations;

(5) academic institutions;

(6) small businesses; and

(7) other relevant entities or individuals.

(c) **ACTIVITIES.**—Under the program, the Secretary shall carry out activities that include the identification and development of—

(1) advanced critical mineral production or processing technologies that decrease the environmental impact, and costs of production, of such activities;

(2) techniques and practices that minimize or lead to more efficient use of critical minerals;

(3) techniques and practices that facilitate the recycling of critical minerals, including options for improving the rates of collection of post-consumer products containing critical minerals;

(4) commercial markets, advanced storage methods, energy applications, and other beneficial uses of critical minerals processing byproducts; and

(5) alternative minerals, metals, and materials, particularly those available in abundance within the United States and not subject to potential supply restrictions, that lessen the need for critical minerals.

(d) **REPORT.**—Not later than 2 years after the date of enactment of this Act and every 5 years thereafter, the Secretaries shall submit to the applicable committees a report summarizing the activities, findings, and progress of the program.

#### **SEC. 17. ANALYSIS AND FORECASTING.**

(a) **CAPABILITIES.**—In order to evaluate existing critical mineral policies and inform future actions that may be taken to avoid supply shortages, mitigate price volatility, and prepare for demand growth and other market shifts, the Secretary, in consultation with academic institutions, the Energy Information Administration, and others in order to maximize the application of existing competencies related to developing and maintaining computer-models and similar analytical tools, shall conduct and publish the results of an annual report that includes—

(1) as part of the annually published Mineral Commodity Summaries from the United States Geological Survey, a comprehensive review of critical mineral production, consumption, and recycling patterns, including—

(A) the quantity of each critical mineral domestically produced during the preceding year;

(B) the quantity of each critical mineral domestically consumed during the preceding year;

(C) market price data for each critical mineral;

(D) an assessment of—

(i) critical mineral requirements to meet the national security, energy, economic, industrial, technological, and other needs of the United States during the preceding year;

(ii) the reliance of the United States on foreign sources to meet those needs during the preceding year; and

(iii) the implications of any supply shortages, restrictions, or disruptions during the preceding year;

(E) the quantity of each critical mineral domestically recycled during the preceding year;

(F) the market penetration during the preceding year of alternatives to each critical mineral;

(G) a discussion of applicable international trends associated with the discovery, production, consumption, use, costs of production, prices, and recycling of each critical mineral as well as the development of alternatives to critical minerals; and

(H) such other data, analyses, and evaluations as the Secretary finds are necessary to achieve the purposes of this section; and

(2) a comprehensive forecast, entitled the “Annual Critical Minerals Outlook”, of projected critical mineral production, consumption, and recycling patterns, including—

(A) the quantity of each critical mineral projected to be domestically produced over the subsequent 1-year, 5-year, and 10-year periods;

(B) the quantity of each critical mineral projected to be domestically consumed over the subsequent 1-year, 5-year, and 10-year periods;

(C) market price projections for each critical mineral, to the maximum extent practicable and based on the best available information;

(D) an assessment of—

(i) critical mineral requirements to meet projected national security, energy, economic, industrial, technological, and other needs of the United States;

(ii) the projected reliance of the United States on foreign sources to meet those needs; and

(iii) the projected implications of potential supply shortages, restrictions, or disruptions;

(E) the quantity of each critical mineral projected to be domestically recycled over the subsequent 1-year, 5-year, and 10-year periods;

(F) the market penetration of alternatives to each critical mineral projected to take place over the subsequent 1-year, 5-year, and 10-year periods;

(G) a discussion of reasonably foreseeable international trends associated with the discovery, production, consumption, use, costs of production, prices, and recycling of each critical mineral as well as the development of alternatives to critical minerals; and

(H) such other projections relating to each critical mineral as the Secretary determines to be necessary to achieve the purposes of this section.

(b) PROPRIETARY INFORMATION.—In preparing a report described in subsection (a), the Secretary shall ensure that—

(1) no person uses the information and data collected for the report for a purpose other than the development of or reporting of aggregate data in a manner such that the identity of the person who supplied the information is not discernible and is not material to the intended uses of the information;

(2) no person discloses any information or data collected for the report unless the infor-

mation or data has been transformed into a statistical or aggregate form that does not allow the identification of the person who supplied particular information; and

(3) procedures are established to require the withholding of any information or data collected for the report if the Secretary determines that withholding is necessary to protect proprietary information, including any trade secrets or other confidential information.

#### SEC. 18. EDUCATION AND WORKFORCE.

(a) WORKFORCE ASSESSMENT.—Not later than 300 days after the date of enactment of this Act, the Secretary of Labor (in consultation with the Secretary of the Interior, the Director of the National Science Foundation, and employers in the critical minerals sector) shall submit to Congress an assessment of the domestic availability of technically trained personnel necessary for critical mineral assessment, production, manufacturing, recycling, analysis, forecasting, education, and research, including an analysis of—

(1) skills that are in the shortest supply as of the date of the assessment;

(2) skills that are projected to be in short supply in the future;

(3) the demographics of the critical minerals industry and how the demographics will evolve under the influence of factors such as an aging workforce;

(4) the effectiveness of training and education programs in addressing skills shortages;

(5) opportunities to hire locally for new and existing critical mineral activities;

(6) the sufficiency of personnel within relevant areas of the Federal Government for achieving the policy described in section 12(a); and

(7) the potential need for new training programs to have a measurable effect on the supply of trained workers in the critical minerals industry.

(b) CURRICULUM STUDY.—

(1) IN GENERAL.—The Secretary and the Secretary of Labor shall jointly enter into an arrangement with the National Academy of Sciences and the National Academy of Engineering under which the Academies shall coordinate with the National Science Foundation on conducting a study—

(A) to design an interdisciplinary program on critical minerals that will support the critical mineral supply chain and improve the ability of the United States to increase domestic, critical mineral exploration, development, and manufacturing;

(B) to address undergraduate and graduate education, especially to assist in the development of graduate level programs of research and instruction that lead to advanced degrees with an emphasis on the critical mineral supply chain or other positions that will increase domestic, critical mineral exploration, development, and manufacturing;

(C) to develop guidelines for proposals from institutions of higher education with substantial capabilities in the required disciplines to improve the critical mineral supply chain and advance the capacity of the United States to increase domestic, critical mineral exploration, development, and manufacturing; and

(D) to outline criteria for evaluating performance and recommendations for the amount of funding that will be necessary to establish and carry out the grant program described in subsection (c).

(2) REPORT.—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to Congress a description of the results of the study required under paragraph (1).

(c) GRANT PROGRAM.—

(1) ESTABLISHMENT.—The Secretary and the National Science Foundation shall jointly conduct a competitive grant program under which institutions of higher education may apply for and receive 4-year grants for—

(A) startup costs for newly designated faculty positions in integrated critical mineral education, research, innovation, training, and workforce development programs consistent with subsection (b);

(B) internships, scholarships, and fellowships for students enrolled in critical mineral programs; and

(C) equipment necessary for integrated critical mineral innovation, training, and workforce development programs.

(2) RENEWAL.—A grant under this subsection shall be renewable for up to 2 additional 3-year terms based on performance criteria outlined under subsection (b)(1)(D).

#### SEC. 19. INTERNATIONAL COOPERATION.

(a) ESTABLISHMENT.—The Secretary of State, in coordination with the Secretary, shall carry out a program to promote international cooperation on critical mineral supply chain issues with allies of the United States.

(b) ACTIVITIES.—Under the program, the Secretary may work with allies of the United States—

(1) to increase the global, responsible production of critical minerals, if a determination is made by the Secretary that there is no viable production capacity for the critical minerals within the United States;

(2) to improve the efficiency and environmental performance of extraction techniques;

(3) to increase the recycling of, and deployment of alternatives to, critical minerals;

(4) to assist in the development and transfer of critical mineral extraction, processing, and manufacturing technologies that would have a beneficial impact on world commodity markets and the environment;

(5) to strengthen and maintain intellectual property protections; and

(6) to facilitate the collection of information necessary for analyses and forecasts conducted pursuant to section 17.

#### Subtitle B—Mineral-specific Actions

#### SEC. 21. ADMINISTRATION.

Nothing in this subtitle or an amendment made by this subtitle affects the methodology or designations established under section 11.

#### SEC. 22. COBALT.

(a) AUTHORIZATION.—The Secretary shall support research programs that focus on novel uses for cobalt (including energy technologies and super-alloys), including—

(1) use in clean energy technologies (including, for purposes of this section, rechargeable batteries, catalysts, photovoltaic cells, permanent magnets, and fuel cells);

(2) use in alloys with military equipment, civil aviation, and electricity generation applications; and

(3) use as coal-to-gas and coal-to-liquid catalysts.

(b) CATEGORIES.—Research under this section shall be conducted in—

(1) a fundamental category, including laboratory and literature research; and

(2) an applied category, including plant and field research.

(c) REPORT.—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to the applicable committees a report describing—

(1) the research programs carried out under this section;

(2) the findings of the programs; and

(3) future research efforts planned.



**SEC. 23. LEAD.**

(a) IN GENERAL.—The Secretary shall support research programs that focus on advanced lead manufacturing processes, including programs that—

(1) contribute to the establishment of a secure, domestic supply of lead;

(2) produce technologies that represent an environmental improvement compared to conventional production processes; or

(3) produce technologies that attain a higher efficiency level compared to conventional production processes.

(b) COORDINATION.—In carrying out the programs under subsection (a), the Secretary shall coordinate with other entities to promote the development of environmentally responsible lead manufacturing, including—

(1) other Federal agencies;

(2) States with affected interests;

(3) manufacturers;

(4) clean energy technology manufacturers, including producers of batteries and other energy storage technologies; and

(5) any others considered appropriate by the Secretary.

**SEC. 24. LITHIUM.**

Subtitle E of title VI of the Energy Independence and Security Act of 2007 (42 U.S.C. 17241 et seq.) is amended by adding at the end the following:

**“SEC. 657. GRANTS FOR LITHIUM PRODUCTION RESEARCH AND DEVELOPMENT.**

“(a) DEFINITION OF ELIGIBLE ENTITY.—In this section, the term ‘eligible entity’ means—

“(1) a private partnership or other entity that is—

“(A) organized in accordance with Federal law; and

“(B) engaged in lithium production for use in advanced battery technologies;

“(2) a public entity, such as a State, tribal, or local governmental entity; or

“(3) a consortium of entities described in paragraphs (1) and (2).

“(b) GRANTS.—The Secretary shall provide grants to eligible entities for research, development, demonstration, and commercial application of domestic industrial processes that are designed to enhance domestic lithium production for use in advanced battery technologies, as determined by the Secretary.

“(c) USE.—An eligible entity shall use a grant provided under this section to develop or enhance—

“(1) domestic industrial processes that increase lithium production, processing, or recycling for use in advanced lithium batteries; or

“(2) industrial processes associated with new formulations of lithium feedstock for use in advanced lithium batteries.”.

**SEC. 25. THORIUM.**

(a) STUDY.—The Secretary, in consultation with the Nuclear Regulatory Commission, shall conduct a study on the technical, economic, and policy issues (including non-proliferation) associated with establishing a licensing pathway for the complete thorium nuclear fuel cycle (including mining, milling, processing, fabrication, reactors, disposal, and decommissioning) that—

(1) identifies the gaps in the technical knowledge that could lead to a licensing pathway; and

(2) considers technologies and applications for any thorium byproducts of critical mineral production or processing.

(b) COOPERATION.—In conducting the study under subsection (a), the Secretary shall cooperate with appropriate—

(1) trade associations;

(2) equipment manufacturers;

(3) National Laboratories;

(4) institutions of higher education; and

(5) other applicable entities.

(c) REPORT.—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to the applicable committees a report summarizing the findings of the study.

**SEC. 26. UPDATED RESOURCE INFORMATION.**

(a) RESOURCES.—Not later than 1 year after the date of enactment of this Act, the Secretary of the Interior shall complete an update of existing resource information for phosphate and rare earth elements.

(b) CONSULTATION.—In updating resource information under this section, the Secretary of the Interior shall consult with—

(1) the heads of appropriate State geological surveys;

(2) mineral producers;

(3) mineral processors;

(4) trade associations;

(5) academic institutions; and

(6) such other entities or individuals as the Secretary of the Interior considers appropriate.

(c) LIMITATION.—

(1) IN GENERAL.—Resource information updates carried out pursuant to this section shall be limited to collection of existing information.

(2) ADMINISTRATION.—If any mineral covered by this section is designated as a critical mineral under section 11, this section shall not apply.

(d) REPORT.—Not later than 2 years after the date of enactment of this Act, the Secretary of the Interior shall submit to the applicable committees written notification certifying that the resource information for phosphate and rare earth elements is up-to-date.

**Subtitle C—Miscellaneous****SEC. 31. OFFSETS.**

(a) IN GENERAL.—The following Acts are repealed:

(1) The National Materials and Minerals Policy, Research and Development Act of 1980 (30 U.S.C. 1601 et seq.), other than subsections (e) and (f) of section 5 of that Act (30 U.S.C. 1604).

(2) The National Critical Materials Act of 1984 (30 U.S.C. 1801 et seq.).

(b) CONFORMING AMENDMENT.—Section 3(d) of the National Superconductivity and Competitiveness Act of 1988 (15 U.S.C. 5202(d)) is amended in the first sentence by striking “, with the assistance of the National Critical Materials Council as specified in the National Critical Materials Act of 1984 (30 U.S.C. 1801 et seq.),”.

**SEC. 32. ADMINISTRATION.**

Nothing in this title or an amendment made by this title modifies any requirement or authority provided by the matter under the heading “GEOLOGICAL SURVEY” of the first section of the Act of March 3, 1879 (43 U.S.C. 31(a)).

**SEC. 33. AUTHORIZATION OF APPROPRIATIONS.**

There is authorized to be appropriated to carry out this title and the amendments made by this title \$53,250,000, of which—

(1) \$500,000 may be used to carry out section 11, to remain available until expended;

(2) \$20,000,000 may be used to carry out section 13, to remain available until expended;

(3) \$2,000,000 may be used to carry out section 14, to remain available until expended;

(4) \$1,000,000 for each of fiscal years 2012 through 2016 may be used to carry out section 16 and the amendment made by that section, to remain available until expended;

(5)(A) \$1,500,000 for each of fiscal years 2012 and 2013 may be used to carry out section 17, to remain available until expended; and

(B) \$750,000 for each of fiscal years 2014 through 2016 may be used to carry out section 17;

(6) \$1,000,000 for each of fiscal years 2012 through 2016 may be used to carry out section 18, to remain available until expended;

(7) \$500,000 for each of fiscal years 2012 through 2016 may be used to carry out section 19, to remain available until expended;

(8) \$1,000,000 for each of fiscal years 2012 through 2014 may be used to carry out sections 22, 23, 24, and 25 and the amendments made by those sections; and

(9) \$1,000,000 may be used to carry out section 26, to remain available until expended.

**SA 674.** Mr. HELLER (for himself and Mr. VITTER) submitted an amendment intended to be proposed by him to the bill S. 1619, to provide for identification of misaligned currency, require action to correct the misalignment, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the bill, insert the following:

**TITLE —NO BUDGET, NO PAY ACT****SEC. 01. SHORT TITLE.**

This title may be cited as the “No Budget, No Pay Act”.

**SEC. 02. DEFINITION.**

In this title, the term “Member of Congress” —

(1) has the meaning given under section 2106 of title 5, United States Code; and

(2) does not include the Vice President.

**SEC. 03. TIMELY APPROVAL OF CONCURRENT RESOLUTION ON THE BUDGET.**

If both Houses of Congress have not approved a concurrent resolution on the budget as described under section 301 of the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 632) for a fiscal year before October 1 of that fiscal year, the pay of each Member of Congress may not be paid for each day following that October 1 until the date on which both Houses of Congress approve a concurrent resolution on the budget for that fiscal year.

**SEC. 04. NO PAY WITHOUT CONCURRENT RESOLUTION ON THE BUDGET.**

(a) IN GENERAL.—Notwithstanding any other provision of law, no funds may be appropriated or otherwise be made available from the United States Treasury for the pay of any Member of Congress during any period determined by the Chairperson of the Committee on the Budget of the Senate or the Chairperson of the Committee on the Budget of the House of Representatives under section 05.

(b) NO RETROACTIVE PAY.—A Member of Congress may not receive pay for any period determined by the Chairperson of the Committee on the Budget of the Senate or the Chairperson of the Committee on the Budget of the House of Representatives under section 05, at any time after the end of that period.

**SEC. 05. DETERMINATIONS.**

(a) SENATE.—

(1) REQUEST FOR CERTIFICATIONS.—On October 1 of each year, the Secretary of the Senate shall submit a request to the Chairperson of the Committee on the Budget of the Senate for certification of determinations made under paragraph (2) (A) and (B).

(2) DETERMINATIONS.—The Chairperson of the Committee on the Budget of the Senate shall—

(A) on October 1 of each year, make a determination of whether Congress is in compliance with section 04 and whether Senators may not be paid under that section; and

(B) determine the period of days following each October 1 that Senators may not be paid under section 04; and

(C) provide timely certification of the determinations under subparagraphs (A) and

(B) upon the request of the Secretary of the Senate.

(b) HOUSE OF REPRESENTATIVES.—

(1) REQUEST FOR CERTIFICATIONS.—On October 1 of each year, the Chief Administrative Officer of the House of Representatives shall submit a request to the Chairperson of the Committee on the Budget of the House of Representatives for certification of determinations made under paragraph (2) (A) and (B).

(2) DETERMINATIONS.—The Chairperson of the Committee on the Budget of the House of Representatives shall—

(A) on October 1 of each year, make a determination of whether Congress is in compliance with section 04 and whether Senators may not be paid under that section; and

(B) determine the period of days following each October 1 that Senators may not be paid under section 04; and

(C) provide timely certification of the determinations under subparagraph (A) and (B) upon the request of the Chief Administrative Officer of the House of Representatives.

#### SEC. 06. EFFECTIVE DATE.

This title shall take effect on February 1, 2013.

**SA 675.** Mr. MENENDEZ (for himself and Mr. CARDIN) submitted an amendment intended to be proposed by him to the bill S. 1619, to provide for identification of misaligned currency, require action to correct the misalignment, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

#### TITLE — MISCELLANEOUS

#### SEC. 01. RENEWAL OF DUTY SUSPENSIONS ON COTTON SHIRTING FABRICS AND RELATED PROVISIONS.

(a) EXTENSIONS.—Each of the following headings of the Harmonized Tariff Schedule of the United States is amended by striking everything after “suitable for use in men’s and boys’ shirts” in the article description column and by striking the date in the effective date column and inserting “12/31/2013”:

(1) Heading 9902.52.08 (relating to woven fabrics of cotton).

(2) Heading 9902.52.09 (relating to woven fabrics of cotton).

(3) Heading 9902.52.10 (relating to woven fabrics of cotton).

(4) Heading 9902.52.11 (relating to woven fabrics of cotton).

(5) Heading 9902.52.12 (relating to woven fabrics of cotton).

(6) Heading 9902.52.13 (relating to woven fabrics of cotton).

(7) Heading 9902.52.14 (relating to woven fabrics of cotton).

(8) Heading 9902.52.15 (relating to woven fabrics of cotton).

(9) Heading 9902.52.16 (relating to woven fabrics of cotton).

(10) Heading 9902.52.17 (relating to woven fabrics of cotton).

(11) Heading 9902.52.18 (relating to woven fabrics of cotton).

(12) Heading 9902.52.19 (relating to woven fabrics of cotton).

(13) Heading 9902.52.20 (relating to woven fabrics of cotton).

(14) Heading 9902.52.21 (relating to woven fabrics of cotton).

(15) Heading 9902.52.22 (relating to woven fabrics of cotton).

(16) Heading 9902.52.23 (relating to woven fabrics of cotton).

(17) Heading 9902.52.24 (relating to woven fabrics of cotton).

(18) Heading 9902.52.25 (relating to woven fabrics of cotton).

(19) Heading 9902.52.26 (relating to woven fabrics of cotton).

(20) Heading 9902.52.27 (relating to woven fabrics of cotton).

(21) Heading 9902.52.28 (relating to woven fabrics of cotton).

(22) Heading 9902.52.29 (relating to woven fabrics of cotton).

(23) Heading 9902.52.30 (relating to woven fabrics of cotton).

(24) Heading 9902.52.31 (relating to woven fabrics of cotton).

(b) EXTENSION OF DUTY REFUNDS AND PIMA COTTON TRUST FUND; MODIFICATION OF AFFIDAVIT REQUIREMENTS.—Section 407 of title IV of division C of the Tax Relief and Health Care Act of 2006 (Public Law 109-432; 120 Stat. 3060) is amended—

(1) in subsection (b)—

(A) in paragraph (1), by striking “amounts determined by the Secretary” and all that follows through “5208.59.80” and inserting “amounts received in the general fund that are attributable to duties received since January 1, 2004, on articles classified under heading 5208”; and

(B) in paragraph (2), by striking “October 1, 2008” and inserting “December 31, 2013”;

(2) in subsection (c)—

(A) in the matter preceding paragraph (1), by striking “beginning in fiscal year 2007” and inserting “for fiscal year 2011 and each fiscal year thereafter”; and

(B) by striking “grown in the United States” each place it appears; and

(C) in paragraph (2), in the matter preceding subparagraph (A), by inserting “that produce ring spun cotton yarns in the United States” after “of pima cotton”;

(3) in subsection (d)—

(A) in the matter preceding paragraph (1), by inserting “annually” after “provided”; and

(B) in paragraph (1), by inserting “during the year in which the affidavit is filed and” after “imported cotton fabric”; and

(4) in subsection (f)—

(A) in the matter preceding paragraph (1), by inserting “annually” after “provided”; and

(B) in paragraph (1)—

(i) by striking “grown in the United States” and inserting “during the year in which the affidavit is filed”; and

(ii) by inserting “in the United States” after “cotton yarns”.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act and apply with respect to affidavits filed on or after such date of enactment.

#### SEC. 02. MODIFICATION OF WOOL APPAREL MANUFACTURERS TRUST FUND.

(a) IN GENERAL.—Section 4002(c)(2) of the Miscellaneous Trade and Technical Corrections Act of 2004 (Public Law 108-429; 118 Stat. 2600) is amended—

(1) in subparagraph (A), by striking “subject to the limitation in subparagraph (B)” and inserting “subject to subparagraphs (B) and (C)”; and

(2) by adding at the end the following new subparagraph:

“(C) ALTERNATIVE FUNDING SOURCE.—Subparagraph (A) shall be applied and administered by substituting ‘chapter 62’ for ‘chapter 51’ for any period of time with respect to which the Secretary notifies Congress that amounts determined by the Secretary to be equivalent to amounts received in the general fund of the Treasury of the United States that are attributable to the duty received on articles classified under chapter 51 of the Harmonized Tariff Schedule of the United States are not sufficient to make payments under paragraph (3) or grants under paragraph (6).”.

(b) FULL RESTORATION OF PAYMENT LEVELS IN CALENDAR YEARS 2010 AND 2011.—

(1) TRANSFER OF AMOUNTS.—

(A) IN GENERAL.—Not later than 30 days after the date of the enactment of this Act, the Secretary of the Treasury shall transfer to the Wool Apparel Manufacturers Trust Fund, out of the general fund of the Treasury of the United States, amounts determined by the Secretary of the Treasury to be equivalent to amounts received in the general fund that are attributable to the duty received on articles classified under chapter 51 or chapter 62 of the Harmonized Tariff Schedule of the United States (as determined under section 4002(c)(2) of the Miscellaneous Trade and Technical Corrections Act of 2004 (Public Law 108-429; 118 Stat. 2600)), subject to the limitation in subparagraph (B).

(B) LIMITATION.—The Secretary of the Treasury shall not transfer more than the amount determined by the Secretary to be necessary for—

(i) U.S. Customs and Border Protection to make payments to eligible manufacturers under section 4002(c)(3) of the Miscellaneous Trade and Technical Corrections Act of 2004 so that the amount of such payments, when added to any other payments made to eligible manufacturers under section 4002(c)(3) of such Act for calendar years 2010 and 2011, equal the total amount of payments authorized to be provided to eligible manufacturers under section 4002(c)(3) of such Act for calendar years 2010 and 2011; and

(ii) the Secretary of Commerce to provide grants to eligible manufacturers under section 4002(c)(6) of the Miscellaneous Trade and Technical Corrections Act of 2004 so that the amounts of such grants, when added to any other grants made to eligible manufacturers under section 4002(c)(6) of such Act for calendar years 2010 and 2011, equal the total amount of grants authorized to be provided to eligible manufacturers under section 4002(c)(6) of such Act for calendar years 2010 and 2011.

(2) PAYMENT OF AMOUNTS.—U.S. Customs and Border Protection shall make payments described in paragraph (1) to eligible manufacturers not later than 30 days after such transfer of amounts from the general fund of the Treasury of the United States to the Wool Apparel Manufacturers Trust Fund. The Secretary of Commerce shall promptly provide grants described in paragraph (1) to eligible manufacturers after such transfer of amounts from the general fund of the Treasury of the United States to the Wool Apparel Manufacturers Trust Fund.

(c) RULE OF CONSTRUCTION.—The amendments made by subsection (a) shall not be construed to affect the availability of amounts transferred to the Wool Apparel Manufacturers Trust Fund before the date of the enactment of this Act.

(d) CONFORMING AMENDMENTS.—Title IV of the Miscellaneous Trade and Technical Corrections Act of 2004 (Public Law 108-429; 118 Stat. 2600) is amended by striking “Bureau of Customs and Border Protection” each place it appears and inserting “U.S. Customs and Border Protection”.

(e) DISCRETIONARY AUTHORITY.—

(1) IN GENERAL.—Section 4002(c)(3) of Public Law 108-429 is amended by inserting “(or to protect domestic manufacturing employment, and at the sole discretion of the U.S. Customs and Border Protection, no later than April 15)” after “March 1 of the year of the payment”.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall be effective for payment year 2011 and thereafter.

**SA 676.** Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 1619, to provide for

identification of misaligned currency, require action to correct the misalignment, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, add the following:

**TITLE —TRANSPARENCY REQUIREMENTS FOR FOREIGN-HELD DEBT**

**SEC. 01. SHORT TITLE.**

This title may be cited as the “Foreign-Held Debt Transparency and Threat Assessment Act”.

**SEC. 02. DEFINITIONS.**

In this title:

(1) **APPROPRIATE CONGRESSIONAL COMMITTEES.**—The term “appropriate congressional committees” means the following:

(A) The Committee on Armed Services, the Committee on Foreign Relations, the Committee on Finance, and the Committee on the Budget of the Senate.

(B) The Committee on Armed Services, the Committee on Foreign Affairs, the Committee on Ways and Means, and the Committee on the Budget of the House of Representatives.

(2) **DEBT INSTRUMENTS OF THE UNITED STATES.**—The term “debt instruments of the United States” means all bills, notes, and bonds issued or guaranteed by the United States or by an entity of the United States Government, including any Government-sponsored enterprise.

**SEC. 03. SENSE OF CONGRESS.**

It is the sense of Congress that—

(1) the growing Federal debt of the United States has the potential to jeopardize the national security and economic stability of the United States;

(2) the increasing dependence of the United States on foreign creditors has the potential to make the United States vulnerable to undue influence by certain foreign creditors in national security and economic policymaking;

(3) the People's Republic of China is the largest foreign creditor of the United States, in terms of its overall holdings of debt instruments of the United States;

(4) the current level of transparency in the scope and extent of foreign holdings of debt instruments of the United States is inadequate and needs to be improved, particularly regarding the holdings of the People's Republic of China;

(5) through the People's Republic of China's large holdings of debt instruments of the United States, China has become a super creditor of the United States;

(6) under certain circumstances, the holdings of the People's Republic of China could give China a tool with which China can try to manipulate the domestic and foreign policymaking of the United States, including the United States relationship with Taiwan;

(7) under certain circumstances, if the People's Republic of China were to be displeased with a given United States policy or action, China could attempt to destabilize the United States economy by rapidly divesting large portions of China's holdings of debt instruments of the United States; and

(8) the People's Republic of China's expansive holdings of such debt instruments of the United States could potentially pose a direct threat to the United States economy and to United States national security. This potential threat is a significant issue that warrants further analysis and evaluation.

**SEC. 04. QUARTERLY REPORT ON RISKS POSED BY FOREIGN HOLDINGS OF DEBT INSTRUMENTS OF THE UNITED STATES.**

(a) **QUARTERLY REPORT.**—Not later than March 31, June 30, September 30, and Decem-

ber 31 of each year, the President shall submit to the appropriate congressional committees a report on the risks posed by foreign holdings of debt instruments of the United States, in both classified and unclassified form.

(b) **MATTERS TO BE INCLUDED.**—Each report submitted under this section shall include the following:

(1) The most recent data available on foreign holdings of debt instruments of the United States, which data shall not be older than the date that is 7 months preceding the date of the report.

(2) The country of domicile of all foreign creditors who hold debt instruments of the United States.

(3) The total amount of debt instruments of the United States that are held by the foreign creditors, broken out by the creditors' country of domicile and by public, quasi-public, and private creditors.

(4) For each foreign country listed in paragraph (2)—

(A) an analysis of the country's purpose in holding debt instruments of the United States and long-term intentions with regard to such debt instruments;

(B) an analysis of the current and foreseeable risks to the long-term national security and economic stability of the United States posed by each country's holdings of debt instruments of the United States; and

(C) a specific determination of whether the level of risk identified under subparagraph (B) is acceptable or unacceptable.

(c) **PUBLIC AVAILABILITY.**—The President shall make each report required by subsection (a) available, in its unclassified form, to the public by posting it on the Internet in a conspicuous manner and location.

**SEC. 05. ANNUAL REPORT ON RISKS POSED BY THE FEDERAL DEBT OF THE UNITED STATES.**

(a) **IN GENERAL.**—Not later than December 31 of each year, the Comptroller General of the United States shall submit to the appropriate congressional committees a report on the risks to the United States posed by the Federal debt of the United States.

(b) **CONTENT OF REPORT.**—Each report submitted under this section shall include the following:

(1) An analysis of the current and foreseeable risks to the long-term national security and economic stability of the United States posed by the Federal debt of the United States.

(2) A specific determination of whether the levels of risk identified under paragraph (1) are sustainable.

(3) If the determination under paragraph (2) is that the levels of risk are unsustainable, specific recommendations for reducing the levels of risk to sustainable levels, in a manner that results in a reduction in Federal spending.

**SEC. 06. CORRECTIVE ACTION TO ADDRESS UNACCEPTABLE AND UNSUSTAINABLE RISKS TO UNITED STATES NATIONAL SECURITY AND ECONOMIC STABILITY.**

In any case in which the President determines under section 04(b)(4)(C) that a foreign country's holdings of debt instruments of the United States pose an unacceptable risk to the long-term national security or economic stability of the United States, the President shall, within 30 days of the determination—

(1) formulate a plan of action to reduce the risk level to an acceptable and sustainable level, in a manner that results in a reduction in Federal spending;

(2) submit to the appropriate congressional committees a report on the plan of action that includes a timeline for the implementation of the plan and recommendations for

any legislative action that would be required to fully implement the plan; and

(3) move expeditiously to implement the plan in order to protect the long-term national security and economic stability of the United States.

**SA 677.** Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 1619, to provide for identification of misaligned currency, require action to correct the misalignment, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. —. SALE OF F-16 AIRCRAFT TO TAIWAN.**

(a) **FINDINGS.**—Congress makes the following findings:

(1) The Department of Defense, in its 2011 report to Congress on “Military and Security Developments Involving the People's Republic of China,” found that “China continued modernizing its military in 2010, with a focus on Taiwan contingencies, even as cross-Strait relations improved. The PLA seeks the capability to deter Taiwan independence and influence Taiwan to settle the dispute on Beijing's terms. In pursuit of this objective, Beijing is developing capabilities intended to deter, delay, or deny possible U.S. support for the island in the event of conflict. The balance of cross-Strait military forces and capabilities continues to shift in the mainland's favor.” In this report, the Department of Defense also concludes that, over the next decade, China's air force will remain primarily focused on “building the capabilities required to pose a credible military threat to Taiwan and U.S. forces in East Asia, deter Taiwan independence, or influence Taiwan to settle the dispute on Beijing's terms.”

(2) The Defense Intelligence Agency (DIA) conducted a preliminary assessment of the status and capabilities of Taiwan's air force in an unclassified report, dated January 21, 2010. The DIA found that, “[a]lthough Taiwan has nearly 400 combat aircraft in service, far fewer of these are operationally capable.” The report concluded, “Many of Taiwan's fighter aircraft are close to or beyond service life, and many require extensive maintenance support. The retirement of Mirage and F-5 aircraft will reduce the total size of the Taiwan Air Force.”

(3) Since 2006, authorities from Taiwan have made repeated requests to purchase 66 F-16C/D multirole fighter aircraft from the United States, in an effort to modernize the air force of Taiwan and maintain its self-defense capability.

(4) According to a report by the Perryman Group, a private economic research and analysis firm, the requested sale of F-16C/Ds to Taiwan “would generate some \$8,700,000,000 in output (gross product) and more than 87,664 person-years of employment in the US,” including 23,407 direct jobs, while “economic benefits would likely be realized in 44 states and the District of Columbia”.

(5) The sale of F-16C/Ds to Taiwan would both sustain existing high-skilled jobs in key United States manufacturing sectors and create new ones.

(6) On August 1, 2011, a bipartisan group of 181 members of the House of Representatives sent a letter to the President, expressing support for the sale of F-16C/Ds to Taiwan. On May 26, 2011, a bipartisan group of 45 members of the Senate sent a similar letter to the President, expressing support for the sale. Two other members of the Senate wrote separately to the President or the Secretary of State in 2011 and expressed support for this sale.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) a critical element to maintaining peace and stability in Asia in the face of China's two-decade-long program of military modernization and expansion of military capabilities is ensuring a militarily strong and confident Taiwan;

(2) a Taiwan that is confident in its ability to deter Chinese aggression will increase its ability to proceed in developing peaceful relations with China in areas of mutual interest;

(3) the cross-Strait military balance between China and our longstanding strategic partner, Taiwan, has clearly shifted in China's favor;

(4) China's military expansion poses a clear and present danger to Taiwan, and this threat has very serious implications for the ability of the United States to fulfill its security obligations to allies in the region and protect our vital United States national interests in East Asia;

(5) Taiwan's air force continues to deteriorate, and it needs additional advanced multirole fighter aircraft in order to modernize its fleet and maintain a sufficient self-defense capability;

(6) the United States has a statutory obligation under the Taiwan Relations Act (22 U.S.C. 3301 et seq.) to provide Taiwan the defense articles necessary to enable Taiwan to maintain sufficient self-defense capabilities, in furtherance of maintaining peace and stability in the western Pacific region;

(7) in order to comply with the Taiwan Relations Act, the United States must provide Taiwan with additional advanced multirole fighter aircraft, as well as significant upgrades to Taiwan's existing fleet of multirole fighter aircraft; and

(8) the proposed sale of F-16C/D multirole fighter aircraft to Taiwan would have significant economic benefits to the United States economy.

(c) SALE OF AIRCRAFT.—The President shall carry out the sale of no fewer than 66 F-16C/D multirole fighter aircraft to Taiwan.

**SA 678.** Mr. PAUL (for himself, Mr. VITTER, Mr. DEMINT, and Mr. LEE) submitted an amendment intended to be proposed by him to the bill S. 1619, to provide for identification of misaligned currency, require action to correct the misalignment, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_ . AUDIT REFORM AND TRANSPARENCY FOR THE BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM.**

(a) IN GENERAL.—Notwithstanding section 714 of title 31, United States Code, or any other provision of law, an audit of the Board of Governors of the Federal Reserve System and the Federal reserve banks under subsection (b) of such section 714 shall be completed before the end of 2012.

(b) REPORT.—

(1) IN GENERAL.—A report on the audit required under subsection (a) shall be submitted by the Comptroller General to the Congress before the end of the 90-day period beginning on the date on which such audit is completed and made available to the Speaker of the House of Representatives, the majority and minority leaders of the House of Representatives, the majority and minority leaders of the Senate, the chairman and ranking member of the committee and each subcommittee of jurisdiction in the House of Representatives and the Senate, and any other Member of Congress who requests it.

(2) CONTENTS.—The report under paragraph (1) shall include a detailed description of the findings and conclusion of the Comptroller General with respect to the audit that is the subject of the report, together with such recommendations for legislative or administrative action as the Comptroller General may determine to be appropriate.

(c) REPEAL OF CERTAIN LIMITATIONS.—Subsection (b) of section 714 of title 31, United States Code, is amended by striking all after “in writing.”.

(d) TECHNICAL AND CONFORMING AMENDMENT.—Section 714 of title 31, United States Code, is amended by striking subsection (f).

**SA 679.** Mr. HATCH submitted an amendment intended to be proposed by him to the bill S. 1619, to provide for identification of misaligned currency, require action to correct the misalignment, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

**SEC. 16. ANNUAL REPORT ON TRADE ENFORCEMENT ACTIVITIES OF THE UNITED STATES TRADE REPRESENTATIVE.**

Not later than 1 year after the date of the enactment of this Act, and annually thereafter, the Comptroller General of the United States shall submit to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives a report—

(1) describing the trade enforcement activities carried out by the Office of the United States Trade Representative during the year preceding the submission of the report, including any consultations initiated by the United States Trade Representative to resolve disputes under existing trade agreements;

(2) assessing the economic impact of each such activity, including the impact on bilateral trade and on employment in the United States; and

(3) assessing the cost of, and resources dedicated to, each such activity.

**SA 680.** Mr. MENENDEZ (for himself and Mr. BLUNT) submitted an amendment intended to be proposed by him to the bill S. 1619, to provide for identification of misaligned currency, require action to correct the misalignment, and for other purposes; which was ordered to lie on the table; as follows:

Strike all after the enacting clause and insert the following:

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “Currency Misalignment Mitigation and Reform Act of 2011”.

**SEC. 2. DEFINITIONS.**

In this Act:

(1) COUNTRY.—The term “country” means a foreign country, dependent territory, or possession of a foreign country, and may include an association of 2 or more foreign countries, dependent territories, or possessions of countries into a customs union outside the United States.

(2) FUNDAMENTAL MISALIGNMENT.—The term “fundamental misalignment” means a significant and sustained undervaluation of the prevailing real effective exchange rate, adjusted for cyclical and transitory factors, from its medium-term equilibrium level.

(3) FUNDAMENTALLY MISALIGNED CURRENCY.—The term “fundamentally misaligned currency” means a foreign currency that is in fundamental misalignment.

(4) REAL EFFECTIVE EXCHANGE RATE.—The term “real effective exchange rate” means a

weighted average of bilateral exchange rates, expressed in price-adjusted terms.

(5) SECRETARY.—The term “Secretary” means the Secretary of the Treasury.

(6) STERILIZATION.—The term “sterilization” means domestic monetary operations taken to neutralize the monetary impact of increases in reserves associated with intervention in the currency exchange market.

**SEC. 3. REPORT ON INTERNATIONAL MONETARY POLICY AND CURRENCY EXCHANGE RATES.**

(a) REPORTS REQUIRED.—

(1) IN GENERAL.—Not later than March 15 and September 15 of each calendar year, the Secretary, after consulting with the Chairman of the Board of Governors of the Federal Reserve System and the Advisory Committee on International Exchange Rate Policy, shall submit to Congress and make public, a written report on international monetary policy and currency exchange rates.

(2) CONSULTATIONS.—On or before March 30 and September 30 of each calendar year, the Secretary shall appear, if requested, before the Committee on Banking, Housing, and Urban Affairs and the Committee on Finance of the Senate and the Committee on Financial Services and the Committee on Ways and Means of the House of Representatives to provide testimony on the reports submitted pursuant to paragraph (1).

(b) CONTENT OF REPORTS.—Each report submitted under subsection (a) shall contain the following:

(1) An analysis of currency market developments and the relationship between the United States dollar and the currencies of major economies and trading partners of the United States.

(2) A review of the economic and monetary policies of major economies and trading partners of the United States, and an evaluation of how such policies impact currency exchange rates.

(3) A description of any currency intervention by the United States or other major economies or trading partners of the United States, or other actions undertaken to adjust the actual exchange rate relative to the United States dollar.

(4) An evaluation of the domestic and global factors that underlie the conditions in the currency markets, including—

(A) monetary and financial conditions;

(B) accumulation of foreign assets;

(C) macroeconomic trends;

(D) trends in current and financial account balances;

(E) the size, composition, and growth of international capital flows;

(F) the impact of the external sector on economic growth;

(G) the size and growth of external indebtedness;

(H) trends in the net level of international investment; and

(I) capital controls, trade, and exchange restrictions.

(5) A list of currencies designated as fundamentally misaligned currencies pursuant to section 4(a)(2), and a description of any economic models or methodologies used to establish the list.

(6) A list of currencies designated for priority action pursuant to section 4(a)(3).

(7) An identification of the nominal value associated with the medium-term equilibrium exchange rate, relative to the United States dollar, for each currency listed under paragraph (6).

(8) A description of any consultations conducted or other steps taken pursuant to section 5, including any actions taken to eliminate the fundamental misalignment.

(c) CONSULTATIONS.—The Secretary shall consult with the Chairman of the Board of Governors of the Federal Reserve System

and the Advisory Committee on International Exchange Rate Policy with respect to the preparation of each report required under subsection (a). Any comments provided by the Chairman of the Board of Governors of the Federal Reserve System or the Advisory Committee on International Exchange Rate Policy shall be submitted to the Secretary not later than the date that is 15 days before the date each report is due under subsection (a). The Secretary shall submit the report to Congress after taking into account all comments received from the Chairman and the Advisory Committee.

#### SEC. 4. IDENTIFICATION OF FUNDAMENTALLY MISALIGNED CURRENCIES.

##### (a) IDENTIFICATION.—

(1) IN GENERAL.—The Secretary shall analyze on a semiannual basis the prevailing real effective exchange rates of foreign currencies.

(2) DESIGNATION OF FUNDAMENTALLY MISALIGNED CURRENCIES.—With respect to the currencies of countries that have significant bilateral trade flows with the United States, and currencies that are otherwise significant to the operation, stability, or orderly development of regional or global capital markets, the Secretary shall determine whether any such currency is in fundamental misalignment and shall designate such currency as a fundamentally misaligned currency.

(3) DESIGNATION OF CURRENCIES FOR PRIORITY ACTION.—The Secretary shall designate a currency identified under paragraph (2) for priority action if the country that issues such currency is—

(A) engaging in protracted large-scale intervention in the currency exchange market, particularly if accompanied by partial or full sterilization;

(B) engaging in excessive and prolonged official or quasi-official accumulation of foreign exchange reserves and other foreign assets, for balance of payments purposes;

(C) introducing or substantially modifying for balance of payments purposes a restriction on, or incentive for, the inflow or outflow of capital, that is inconsistent with the goal of achieving full currency convertibility; or

(D) pursuing any other policy or action that, in the view of the Secretary, warrants designation for priority action.

(b) REPORTS.—The Secretary shall include a list of any foreign currency designated under paragraph (2) or (3) of subsection (a) and the data and reasoning underlying such designations in each report required by section 3.

#### SEC. 5. NEGOTIATIONS AND CONSULTATIONS.

(a) IN GENERAL.—Upon designation of a currency pursuant to section 4(a)(2), the Secretary shall seek to consult bilaterally with the country that issues such currency in order to facilitate the adoption of appropriate policies to address the fundamental misalignment.

(b) CONSULTATIONS INVOLVING CURRENCIES DESIGNATED FOR PRIORITY ACTION.—With respect to each currency designated for priority action pursuant to section 4(a)(3), the Secretary shall, in addition to seeking to consult with a country pursuant to subsection (a), seek the advice of the International Monetary Fund with respect to the Secretary's findings in the report submitted to Congress pursuant to section 3(a).

(c) PLURILATERAL NEGOTIATIONS RELATING TO FUNDAMENTALLY MISALIGNED CURRENCIES.—

(1) NEGOTIATIONS THROUGH WORLD TRADE ORGANIZATION AND INTERNATIONAL MONETARY FUND.—The Secretary and the United States Trade Representative shall enter into plurilateral or multilateral negotiations through the World Trade Organization and

the International Monetary Fund to develop effective remedial rules and actions—

(A) to mitigate the adverse trade and economic effects of fundamentally misaligned currencies designated for priority action pursuant to section 4(a)(3); and

(B) to encourage countries that issue such currencies to adopt appropriate policies to eliminate the fundamental misalignment of their currencies.

(2) ADDITIONAL PLURILATERAL NEGOTIATIONS.—If the negotiations required by paragraph (1) do not result in agreement on the development of effective remedial rules and actions described in that paragraph within 90 days, the Secretary and the United States Trade Representative shall enter into plurilateral negotiations outside the World Trade Organization and the International Monetary Fund to develop agreements with countries the currencies of which have not been designated for priority action pursuant to section 4(a)(3), consistent with international obligations—

(A) to mitigate the adverse trade and economic effects of fundamentally misaligned currencies designated for such priority action;

(B) to encourage countries that issue such currencies to adopt appropriate policies to eliminate the fundamental misalignment of their currencies; and

(C) to implement, if necessary, coordinated actions with respect to countries that issue such currencies to prevent or address currency exchange actions taken by those countries that are inconsistent with the obligations of those countries as members of the World Trade Organization and the International Monetary Fund.

##### (3) REPORTS.—

(A) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, and every 180 days thereafter until the date on which all countries that issue currencies designated for priority action pursuant to section 4(a)(3) have eliminated the fundamental misalignment of their currencies, the Secretary and the United States Trade Representative shall submit to Congress a report on the results of the negotiations described in paragraphs (1) and (2).

(B) CONTENTS.—The report required by subparagraph (A) shall identify—

(i) the countries with which the United States is conducting negotiations under paragraphs (1) and (2) and the international fora in which those negotiations are taking place;

(ii) the remedial rules and actions under discussion in those negotiations;

(iii) any remedial rules that have been adopted and any remedial actions that have been taken pursuant to those negotiations; and

(iv) what, if any, additional authority the Secretary and the United States Trade Representative need from Congress to conduct negotiations under this subsection—

(I) to effectively mitigate the adverse trade and economic effects of fundamentally misaligned currencies; or

(II) to implement coordinated actions with countries the currencies of which have not been designated for priority action pursuant to section 4(a)(3) to prevent or address exchange rate actions—

(aa) taken by countries that issue currencies that have been designated for such priority action; and

(bb) that are inconsistent with the obligations of those countries as members of the World Trade Organization and the International Monetary Fund.

(C) CONSULTATIONS.—On or before the date that is 15 days after the date on which each report is required to be submitted under subparagraph (A), the Secretary shall appear, if

requested, before the Committee on Banking, Housing, and Urban Affairs and the Committee on Finance of the Senate and the Committee on Financial Services and the Committee on Ways and Means of the House of Representatives to provide testimony on the report submitted pursuant to subparagraph (A).

##### (4) NEGOTIATING OBJECTIVE FOR ONGOING AND FUTURE NEGOTIATIONS.—

(A) IN GENERAL.—For any negotiation with respect to an agreement relating to trade or international monetary policy, it shall be a priority negotiating objective of the United States to negotiate with each party to the agreement a commitment—

(i) to prohibit fundamental misalignment of the currency issued by the party that would result in the designation of the currency for priority action pursuant to section 4(a)(3); and

(ii) to cooperate with the other parties to the agreement to mitigate adverse trade and economic effects of the fundamental misalignment of currencies designated for such priority action.

(B) APPLICABILITY.—Subparagraph (A) shall apply with respect to an agreement described in that subparagraph that—

(i) is commenced on or after the date of the enactment of this Act; or

(ii) was commenced before such date of enactment and is ongoing on such date of enactment.

#### SEC. 6. ADVISORY COMMITTEE ON INTERNATIONAL EXCHANGE RATE POLICY.

##### (a) ESTABLISHMENT.—

(1) IN GENERAL.—There is established an Advisory Committee on International Exchange Rate Policy (in this section referred to as the "Committee"). The Committee shall be responsible for—

(A) advising the Secretary in the preparation of each report to Congress on international monetary policy and currency exchange rates, provided for in section 3; and

(B) advising Congress and the President with respect to—

(i) international exchange rates and financial policies; and

(ii) the impact of such policies on the economy of the United States.

##### (2) MEMBERSHIP.—

(A) IN GENERAL.—The Committee shall be composed of 9 members as follows, none of whom shall be employees of the Federal Government:

##### (i) CONGRESSIONAL APPOINTEES.—

(I) SENATE APPOINTEES.—Four persons shall be appointed by the President pro tempore of the Senate, upon the recommendation of the chairmen and ranking members of the Committee on Banking, Housing, and Urban Affairs and the Committee on Finance of the Senate.

(II) HOUSE APPOINTEES.—Four persons shall be appointed by the Speaker of the House of Representatives upon the recommendation of the chairmen and ranking members of the Committee on Financial Services and the Committee on Ways and Means of the House of Representatives.

(ii) PRESIDENTIAL APPOINTEE.—One person shall be appointed by the President.

(B) QUALIFICATIONS.—Persons shall be selected under subparagraph (A) on the basis of their objectivity and demonstrated expertise in finance, economics, or currency exchange.

(3) TERMS.—Members shall be appointed for a term of 4 years or until the Committee terminates. An individual may be reappointed to the Committee for additional terms.

(4) VACANCIES.—Any vacancy in the Committee shall not affect its powers, but shall be filled in the same manner as the original appointment.

(b) **DURATION OF COMMITTEE.**—Notwithstanding section 14(c) of the Federal Advisory Committee Act (5 U.S.C. App.), the Committee shall terminate on the date that is 4 years after the date of the enactment of this Act unless renewed by the President pursuant to section 14 of the Federal Advisory Committee Act (5 U.S.C. App.) for a subsequent 4-year period. The President may continue to renew the Committee for successive 4-year periods by taking appropriate action prior to the date on which the Committee would otherwise terminate.

(c) **PUBLIC MEETINGS.**—The Committee shall hold at least 2 public meetings each year for the purpose of accepting public comments, including comments from small business owners. The Committee shall also meet as needed at the call of the Secretary or at the call of two-thirds of the members of the Committee.

(d) **CHAIRPERSON.**—The Committee shall elect from among its members a chairperson for a term of 4 years or until the Committee terminates. A chairperson of the Committee may be reelected chairperson but is ineligible to serve consecutive terms as chairperson.

(e) **STAFF.**—The Secretary shall make available to the Committee such staff, information, personnel, administrative services, and assistance as the Committee may reasonably require to carry out its activities.

(f) **APPLICATION OF FEDERAL ADVISORY COMMITTEE ACT.**—

(1) **IN GENERAL.**—The provisions of the Federal Advisory Committee Act (5 U.S.C. App.) shall apply to the Committee.

(2) **EXCEPTION.**—Except for the 2 annual public meetings required under subsection (c), meetings of the Committee shall be exempt from the requirements of subsections (a) and (b) of sections 10 and 11 of the Federal Advisory Committee Act (relating to open meetings, public notice, public participation, and public availability of documents), whenever and to the extent it is determined by the President or the Secretary that such meetings will be concerned with matters the disclosure of which would seriously compromise the development by the United States Government of monetary and financial policy.

#### **SEC. 7. REPEAL OF THE EXCHANGE RATES AND ECONOMIC POLICY COORDINATION ACT OF 1988.**

The Exchange Rates and International Economic Policy Coordination Act of 1988 (22 U.S.C. 5301 et seq.) is repealed.

**SA 681.** Mr. HATCH submitted an amendment intended to be proposed by him to the bill S. 1619, to provide for identification of misaligned currency, require action to correct the misalignment, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

#### **SEC. 16. SENSE OF CONGRESS ON ACCESSION OF THE RUSSIAN FEDERATION TO THE WORLD TRADE ORGANIZATION.**

It is the sense of Congress that, before the United States can support the accession of the Russian Federation to the World Trade Organization, the Government of the Russian Federation needs to make considerable and demonstrative progress toward complying with the major obligations of members of the World Trade Organization, including—

(1) strengthening protection of intellectual property rights, including significantly increasing enforcement efforts with respect to Internet piracy;

(2) curtailing the use of unjustified sanitary restrictions to limit exports of agricul-

tural products from the United States to the Russian Federation;

(3) eliminating technical barriers to trade that affect the information technology industry; and

(4) generally strengthening respect for the rule of law.

**SA 682.** Mr. HATCH submitted an amendment intended to be proposed by him to the bill S. 1619, to provide for identification of misaligned currency, require action to correct the misalignment, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

#### **SEC. 16. SENSE OF CONGRESS ON BRAZIL AND THE INFORMATION TECHNOLOGY AGREEMENT OF THE WORLD TRADE ORGANIZATION.**

(a) **FINDINGS.**—Congress makes the following findings:

(1) Under the Ministerial Declaration on Trade in Information Technology Products of the World Trade Organization, agreed to at Singapore December 13, 1996 (in this section referred to as the “Information Technology Agreement”), 70 countries have eliminated their tariffs on information technology products. Those countries represent about 97 percent of the global trade of information technology products.

(2) The United States is a signatory to the Information Technology Agreement, as are other developed countries as well as developing countries.

(3) By liberalizing the trade of information technology products, the Information Technology Agreement improves global interconnectedness and promotes economic development in signatory countries, including developing countries.

(4) The list of signatories to the Information Technology Agreement does not include Brazil, a major trading partner of the United States.

(5) Brazil is one of the 10 largest economies in the world, is the fifth largest consumer market for information technology products in the world, and is the largest consumer market for such products in Latin America. Brazil ranks seventh in the world in the use of the Internet.

(6) Brazil is a major market for information technology products and it imposes tariffs on information technology products imported from the United States, but the United States imposes no tariffs on such products imported from Brazil.

(7) Moreover, because the United States designates Brazil as a beneficiary developing country under the Generalized System of Preferences under title V of the Trade Act of 1974 (19 U.S.C. 2461 et seq.), over \$2,000,000,000 in imports from Brazil entered the United States duty-free under the Generalized System of Preferences in 2010.

(8) It is reasonable for the United States to expect Brazil to provide tariff reciprocity and, at a minimum, to become a signatory to the Information Technology Agreement.

(b) **SENSE OF CONGRESS.**—It is the sense of Congress that the President should make it a priority to urge Brazil to become a signatory to the Information Technology Agreement.

(c) **REPORT.**—Not later than the date that is 180 days after the date of the enactment of this Act and not later than the date that is 1 year after such date of enactment, the United States Trade Representative shall submit to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives a report on the progress made in efforts to urge Brazil to become a signatory to the Information Technology Agreement.

**SA 683.** Mr. HATCH submitted an amendment intended to be proposed by him to the bill S. 1619, to provide for identification of misaligned currency, require action to correct the misalignment, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

#### **SEC. 16. REPORT ON TRADE AGENCY REORGANIZATION PROPOSAL.**

Not later than 30 days after the date of the enactment of this Act, the Director of the Office of Management and Budget shall submit to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives a report—

(1) on the analysis undertaken by the Office of Management and Budget of the President's proposal to reorganize the Federal agencies with responsibilities relating to international trade, as provided for in the memorandum of the President for the heads of executive departments and agencies relating to government reform for competitiveness and innovation, dated March 11, 2011; and

(2) that includes—

(A) the proposed options for reorganization of those agencies considered by the Office of Management and Budget during its review of those agencies;

(B) conclusions derived from that review; and

(C) recommendations for reorganizing those agencies.

**SA 684.** Mr. HATCH submitted an amendment intended to be proposed by him to the bill S. 1619, to provide for identification of misaligned currency, require action to correct the misalignment, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

#### **SEC. . . PROMOTION OF JOB CREATION.**

(a) **FINDINGS.**—Congress makes the following findings:

(1) In terms of bilateral surveillance, Article IV of the International Monetary Fund (referred to in this section as the “IMF”) Articles of Agreement lays out a code of conduct for countries' exchange rate and domestic policies. Within this setting, Article IV consultations use exchange rate assessments to monitor countries competitiveness and vulnerabilities to balance of payments crises.

(2) The IMF uses three complementary measures to perform exchange rate assessments and to help determine exchange rate misalignments, a “macroeconomic balance” approach, an “equilibrium real exchange rate” approach, and an “external sustainability” approach.

(3) Exchange rate assessments are based on the notion of equilibrium, which the IMF has identified as “consistency with external and internal balance over the medium to long run”.

(4) The “medium term,” according to IMF definitions relevant to exchange rate assessments, is a horizon over which domestic and partner-country output gaps are closed and the lagged effects of past exchange rate changes are fully realized.

(5) An output gap is measured by the difference between actual output in an economy and potential output.

(6) Potential output is the level of output in an economy that would be realized if labor, capital, and other resources were at high levels of utilization.



(7) Negative output gaps mean that actual output in an economy is below potential output.

(8) This Act seeks to help close a negative output gap in the United States by promoting the elimination of global imbalances and currency misalignments, and relies partly on IMF determinations of exchange rate misalignments which, in turn, rely on the concept of the output gap.

(9) Negative output gaps are typically consistent with unemployed labor resources. The more negative the gap, the larger tends to be the unemployment rate and the greater the need for job creation.

(10) Negative output gaps for the United States mean the difference between the actual gross domestic product and “potential gross domestic product”.

(b) DEFINITIONS.—In this section:

(1) OUTPUT GAP COMPUTED BY THE CBO.—The term “output gap computed by the Congressional Budget Office” means the difference, computed by the Congressional Budget Office, between actual gross domestic product and the Congressional Budget Office’s measure of potential gross domestic product.

(2) POTENTIAL GROSS DOMESTIC PRODUCT.—The term “potential gross domestic product” means the Congressional Budget Office’s estimate of “full-employment” gross domestic product, according to the Congressional Budget Office’s definition of full-employment as taken from statistical procedures grounded in economic theory.

(3) UNEMPLOYMENT RATE.—The term “unemployment rate” means the U-3 measure as computed by the Bureau of Labor Statistics, which is the total number of unemployed as a percentage of the civilian labor force as reported in the Bureau of Labor Statistics’s Current Population Survey (commonly known as the “Household Survey”).

(c) DAVIS-BACON AND McNAMARA-O’HARA NOT APPLICABLE.—

(1) IN GENERAL.—No Federal funds shall be used to administer or enforce the wage-rate requirements of subchapter IV of chapter 31 of part A of subtitle II of title 40, United States Code (commonly referred to as the “Davis-Bacon Act”), or of the Service Contract Act of 1965 (Public Law 89-286; commonly referred to as the “McNamara-O’Hara Service Contract Act”), with respect to any project or program funded by the United States, during any calendar quarter following a calendar quarter for which the output gap computed by the Congressional Budget Office is negative or the unemployment rate as computed by the Bureau of Labor Statistics averages five percent or more, until such time as the Congressional Budget Office makes the determinations under paragraph (2).

(2) FUTURE APPLICATION.—The limitation provided for in paragraph (1) shall cease to apply and the wage-rate requirements described in paragraph (1) shall apply beginning in the first calendar quarter that follows four or more consecutive calendar quarters of non-negative output gaps as computed by the Congressional Budget Office and four or more consecutive quarters of average unemployment rates that are below the level of the unemployment rate deemed consistent with the Congressional Budget Office’s estimate of full employment.

**SA 685.** Mr. CRAPO (for himself, Mr. JOHANNIS, Mr. SHELBY, Mr. VITTER, Mr. TOOMEY, Mr. MORAN, and Mr. KIRK) submitted an amendment intended to be proposed by him to the bill S. 1619, to provide for identification of misaligned currency, require action to correct the misalignment, and for other

purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

**SEC. 16. DODD-FRANK IMPROVEMENTS REGARDING REGULATION OF DERIVATIVES.**

(a) ESTABLISHMENT.—Section 4 of the Securities Exchange Act of 1934 (15 U.S.C. 78d) is amended by adding at the end the following:

“(j) OFFICE OF DERIVATIVES.—

“(1) OFFICE ESTABLISHED.—There is established within the Commission the Office of Derivatives (referred to in this subsection as the ‘Office’).

“(A) to administer the rules of the Commission with respect to security-based swaps and, as necessary, to make recommendations to the Commission for new rules or changes to existing rules with respect to security-based swaps;

“(B) to coordinate oversight of the market for swaps and security-based swaps, participants in that market, and infrastructure providers for that market with other relevant domestic and international regulators; and

“(C) to monitor developments in the market for swaps and security-based swaps.

“(2) DIRECTOR OF THE OFFICE.—The head of the Office shall be the Director, who shall report to the Director of the Division of Trading and Markets and the Director of Risk, Strategy, and Financial Innovation.

“(3) STAFFING.—

“(A) IN GENERAL.—The Office shall be staffed by persons transferred in accordance with subparagraph (B), including persons having knowledge of and expertise in the uses for, trading in, execution of, and clearing of swaps and security-based swaps.

“(B) TRANSFERS.—The Director of the Office of Derivatives, the Director of the Division of Trading and Markets, the Director of Risk, Strategy, and Financial Innovation, and the Director of the Office of Compliance, Inspections, and Examinations shall jointly identify employees to be transferred from the Division of Trading and Markets, the Division of Risk, Strategy, and Financial Innovation, and the Office of Compliance, Inspections, and Examinations, respectively, to the Office of Derivatives, in numbers sufficient to carry out fully the requirements of this subsection.

“(4) ENFORCEMENT.—The Division of Enforcement shall consult with the Office before presenting a recommendation with respect to security-based swaps to the Commission.

“(5) INSPECTIONS AND EXAMINATIONS.—A representative of the Office shall be afforded the opportunity to participate in any inspection or examination of a security-based swap dealer, major security-based swap participant, security-based swap data repository, or clearing agency that clears security-based swaps.

“(6) ANNUAL REPORT.—On or before the date that is one year after the Office is established and annually thereafter, the Director shall submit to the Chairman and publish on the public website of the Commission a report that describes the activities of the Office during the preceding year, and the developments in the swaps and security-based swaps market.”

(b) ORDERLY IMPLEMENTATION OF DERIVATIVES PROVISIONS.—

(1) REVIEW OF REGULATORY AUTHORITY.—Section 712 of the Dodd-Frank Wall Street Reform and Consumer Protection Act (15 U.S.C. 8302) is amended—

(A) in each of subsections (a)(3) and (e), by striking “360” each place that term appears and inserting “720”; and

(B) by adding at the end the following:

“(g) ORDERLY IMPLEMENTATION SCHEDULE.—

“(1) IN GENERAL.—Not later than December 31, 2011, the Commodity Futures Trading Commission, the Securities and Exchange Commission, and the prudential regulators shall jointly, pursuant to the notice and comment requirements contained in title 5, United States Code, adopt an implementation schedule for this title.

“(2) SCHEDULE CONTENT.—Such implementation schedule shall—

“(A) set forth a schedule for the publication of final rules required by this title, except that, unless otherwise specifically provided by a provision of this title, the rules required by subsection (d)(1) shall be adopted before any other required rules;

“(B) set forth a schedule for the effective dates for provisions of this title, including provisions that require a rulemaking and provisions that do not require a rulemaking;

“(C) take into consideration—

“(i) a quantitative analysis of the effects of this title on United States economic growth and job creation;

“(ii) the implications of this title for cross-border activity by, and international competitiveness of, United States financial institutions, companies, and investors;

“(iii) whether and how the definitional, clearing, trading, reporting, recordkeeping, real-time reporting, registration, capital, margin, business conduct, position limits and other requirements of this title work together, and how they affect market depth and liquidity; and

“(iv) the implications of any lack of harmonization by the Securities and Exchange Commission, the Commodity Futures Trading Commission, and the prudential regulators with respect to the timing and the substance of their rules.

“(h) ORDERLY IMPLEMENTATION AUTHORITY.—Notwithstanding any other provision of law, the Commodity Futures Trading Commission, the Securities and Exchange Commission and the prudential regulators, by rule, regulation, or order, may conditionally or unconditionally exempt any person, swap, security-based swap, activity, or transaction, or any class or classes of persons, swaps, security-based swaps, activities, or transactions, from any provision or provisions of this title administered thereby, or any rule or regulation thereunder, to the extent that such exemption is necessary or appropriate in the public interest and is in furtherance of the objectives of this title, such as the orderly implementation and international harmonization of the timing and substance of derivatives regulatory reform.”

(2) EFFECTIVE DATES.—Title VII of the Dodd-Frank Wall Street Reform and Consumer Protection Act (Public Law 111-203, 124 Stat. 1641) is amended—

(A) in section 754 (7 U.S.C. 7a note), by striking “the later of” and all that follows through the period and inserting “the dates specified in the implementation schedule adopted pursuant to section 712(g).”; and

(B) in section 774 (15 U.S.C. 77b note), by striking “the later of” and all that follows through the period and inserting “the dates specified in the implementation schedule adopted pursuant to section 712(g).”.

(c) CLARIFICATION OF END USER STATUS.—

(1) END USERS OF SWAPS.—

(A) MARGIN REQUIREMENTS.—Section 4s(e) of the Commodity Exchange Act (7 U.S.C. 6s(e)), as added by section 731 of the Dodd-Frank Wall Street Reform and Consumer Protection Act, is amended by adding at the end the following:

“(4) APPLICABILITY WITH RESPECT TO COUNTERPARTIES.—The margin requirements of this subsection shall not apply to a swap in which 1 of the counterparties is not—

“(A) a swap dealer or major swap participant;

“(B) an investment fund that—

“(i) has issued securities (other than debt securities) to more than 5 unaffiliated persons;

“(ii) would be an investment company (as defined in section 3 of the Investment Company Act of 1940 (15 U.S.C. 80a-3)) but for paragraph (1) or (7) of subsection (c) of that section; and

“(iii) is not primarily invested in physical assets (including commercial real estate) directly or through an interest in an affiliate that owns the physical assets;

“(C) a regulated entity, as defined in section 1303 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4502); or

“(D) a commodity pool that is predominantly invested in any combination of commodities, commodity swaps, commodity options, or commodity futures.

“(5) MARGIN TRANSITION RULES.—Swaps entered into before the date on which final rules under section 712(e) of the Dodd-Frank Wall Street Reform and Consumer Protection Act (15 U.S.C. 8302(e)) become effective shall be exempt from the margin requirements under this subsection.”

(B) MAJOR SWAP PARTICIPANT.—Section 1a(33)(A) of the Commodity Exchange Act (7 U.S.C. 1a(33)(A)) is amended by striking clause (ii) and inserting the following:

“(ii) whose outstanding swaps create substantial net uncollateralized counterparty exposure that could have serious adverse effects on the financial stability of the United States banking system or financial markets; or”

(C) EFFECTIVE DATE.—The amendments made by subsection (a) shall have the same effective date as provided in section 754 of the Dodd-Frank Wall Street Reform and Consumer Protection Act, as amended by section 1(b) of this Act.

(2) END USERS OF SECURITY-BASED SWAPS.—

(A) MARGIN REQUIREMENTS.—Section 15F(e) of the Securities Exchange Act of 1934 (15 U.S.C. 78o-10(e)), as added by section 764 of the Dodd-Frank Wall Street Reform and Consumer Protection Act, is amended by adding at the end the following:

“(4) APPLICABILITY WITH RESPECT TO COUNTERPARTIES.—The margin requirements of this subsection shall not apply to a security-based swap in which 1 of the counterparties is not—

“(A) a security-based swap dealer or major security-based swap participant;

“(B) an investment fund that would be an investment company (as defined in section 3 of the Investment Company Act of 1940 (15 U.S.C. 80a-3)), but for paragraph (1) or (7) of section 3(c) of that Act (15 U.S.C. 80a-3(c)), that is not primarily invested in physical assets (including commercial real estate) directly or through interest in its affiliates that own such assets;

“(C) a regulated entity, as defined in section 1303 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4502); or

“(D) a commodity pool that is predominantly invested in any combination of commodities, commodity swaps, commodity options or commodity futures.

“(5) MARGIN TRANSITION RULES.—Security-based swaps entered into before the date on which final rules under section 712(e) of the Dodd-Frank Wall Street Reform and Consumer Protection Act become effective are exempt from the margin requirements of this subsection.”

(B) MAJOR SECURITY-BASED SWAP PARTICIPANT.—Section 3(a)(67)(A)(ii)(II) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)(67)(A)(ii)(II)), is amended to read as follows:

“(II) whose outstanding security-based swaps create substantial net uncollateralized counterparty exposure that could have serious adverse effects on the financial stability of the United States banking system or financial markets;”

(C) EFFECTIVE DATE.—The amendments made by this paragraph shall have the same effective date as provided in section 774 of the Dodd-Frank Wall Street Reform and Consumer Protection Act, as amended by this Act.

(d) TREATMENT OF AFFILIATE TRANSACTIONS.—Title VII of the Dodd-Frank Wall Street Reform and Consumer Protection Act (15 U.S.C. 8301 et seq.) is amended by inserting after section 713 (15 U.S.C. the following new section:

**“SEC. 713A. TREATMENT OF AFFILIATE TRANSACTIONS.**

“(a) IN GENERAL.—An agreement, contract, or transaction that would otherwise be a swap or security-based swap, and that is entered into by a party that is controlling, controlled by, or under common control with its counterparty shall not be deemed to be a ‘swap’ or ‘security-based swap’ for purposes of this Act.

“(b) REPORTING.—All agreements, contracts, or transactions described in subsection (a) shall be reported to either a swap data repository, or, if there is no swap data repository that would accept such transaction reports, to the Commission pursuant to sections 729 and 766, within such time period as the Commission may prescribe by rule or regulation.”

(e) INTERNATIONAL COMPETITIVENESS AND HARMONIZATION.—

(1) STUDY ON INTERNATIONAL SWAP REGULATION.—Section 719(c)(2) of the Dodd-Frank Wall Street Reform and Consumer Protection Act (15 U.S.C. 8307(c)(2)) is amended—

(A) by striking “18” and inserting “30”;

(B) in subparagraph (C), by striking “and” at the end;

(C) in subparagraph (D), by striking the period at the end and inserting “; and”; and

(D) by adding at the end the following:

“(E) an analysis of the progress of members of the Group of 20 and other countries toward implementing derivatives regulatory reform, including material differences in the schedule for implementation (as well as material differences in definitions, clearing, trading, reporting, registration, capital, margin, business conduct, and position limits) and their possible and likely effects on United States competitiveness, market liquidity, and financial stability.”

(2) APPLICABILITY.—The Dodd-Frank Wall Street Reform and Consumer Protection Act is amended by inserting after section 719 the following new section:

**“SEC. 719A. APPLICABILITY.**

“(a) IN GENERAL.—Subject to subsections (b) and (c), and notwithstanding any other provision of this title, no activities conducted outside of the United States between counterparties established under the laws of any jurisdiction outside of the United States (including a non-United States branch of a United States entity licensed and recognized under local law outside of the United States) shall be considered—

“(1) to have a direct and significant connection with activities in, or effect on, commerce of the United States;

“(2) to constitute a business within the jurisdiction of the United States; or

“(3) to constitute evasion of any provision of this title, unless those activities contravene such rules as may be adopted by the Commodity Futures Trading Commission and the Securities and Exchange Commission pursuant to subsection (b).

“(b) RULEMAKING.—After completing the report required by section 719(c)(2), the Com-

modity Futures Trading Commission and the Securities and Exchange Commission may jointly issue such rules as are necessary to prohibit transactions or activities, or classes of transactions or activities conducted outside of the United States that the agencies find—

“(1) have no valid business purpose;

“(2) are structured with the sole purpose of evading the requirements of this title; and

“(3) might reasonably be expected to have a serious adverse effect on the stability of the United States financial system.

“(c) EXCEPTION.—Subsection (a) shall not apply to any provision of this title prohibiting fraud or manipulation or any rule or regulation thereunder.”

**SA 686.** Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 1619, to provide for identification of misaligned currency, require action to correct the misalignment, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_ GOLD AND SILVER COINS THAT ARE LEGAL TENDER NOT SUBJECT TO TAXATION.**

(a) IN GENERAL.—Gold and silver coins declared legal tender by the Federal Government or any State government shall not be subject to taxation.

(b) CONFORMING AMENDMENT.—Section 1(h)(5) of the Internal Revenue Code of 1986 is amended—

(1) by striking “(as defined in section 408(m) without regard to paragraph (3) thereof)” in subparagraph (A), and

(2) by adding at the end the following new subparagraph:

“(C) COLLECTIBLE.—For purposes of this paragraph, the term ‘collectible’ has the meaning given such term by section 408(m), determined without regard to subparagraphs (A)(iii), (A)(iv), and (B).”

(c) EFFECTIVE DATE.—The provisions of, and amendments made by, this section shall take effect on the date of the enactment of this Act.

**SA 687.** Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 1619, to provide for identification of misaligned currency, require action to correct the misalignment, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_ REPEAL OF THE DODD-FRANK WALL STREET REFORM AND CONSUMER PROTECTION ACT.**

The Dodd-Frank Wall Street Reform and Consumer Protection Act (Public Law 111-203) is repealed, and the provisions of law amended by such Act are revived or restored as if such Act had not been enacted.

**SA 688.** Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 1619, to provide for identification of misaligned currency, require action to correct the misalignment, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_ NULLIFICATION OF FINAL RULE.**

As of the date of enactment of this Act, the final rule entitled “Use of Ozone-Depleting

Substances; Removal of Essential-Use Designation (Epinephrine)” (73 Fed. Reg. 69532 (November 19, 2008)) shall have no force or effect.

**SA 689.** Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 1619, to provide for identification of misaligned currency, require action to correct the misalignment, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_ EMPLOYEE FREE CHOICE.**

(a) AMENDMENTS TO THE NATIONAL LABOR RELATIONS ACT.—

(1) RIGHTS OF EMPLOYEES.—Section 7 of the National Labor Relations Act (29 U.S.C. 157) is amended by striking “except to” and all that follows through “authorized in section 8(a)(3)”.

(2) UNFAIR LABOR PRACTICES.—Section 8 of the National Labor Relations Act (29 U.S.C. 158) is amended—

(A) in subsection (a)(3), by striking “: Provided, That” and all that follows through “retaining membership”;

(B) in subsection (b)—

(i) in paragraph (2), by striking “or to discriminate” and all that follows through “retaining membership”;

(ii) in paragraph (5), by striking “covered by an agreement authorized under subsection (a)(3) of this section”;

(C) in subsection (f), by striking clause (2) and redesignating clauses (3) and (4) as clauses (2) and (3), respectively.

(b) AMENDMENT TO THE RAILWAY LABOR ACT.—Section 2 of the Railway Labor Act (45 U.S.C. 152) is amended by striking paragraph Eleven.

**SA 690.** Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 1619, to provide for identification of misaligned currency, require action to correct the misalignment, and for other purposes; which was ordered to lie on the table; as follows:

On page 5, between lines 9 and 10, insert the following:

(4) A description of currency intervention by the United States that includes an assessment, based on factors that include economic growth, job creation, inflation, and commodities prices, of the effects in the United States and internationally of actions taken by the Board of Governors of the Federal Reserve System and the Federal Open Market Committee, including—

(A) significantly increasing in the size of the Federal Reserve’s balance sheet;

(B) conducting multiple rounds of quantitative easing; and

(C) maintaining exceptionally low interest rates for an extended period of time.

**SA 691.** Mr. LEE submitted an amendment intended to be proposed by him to the bill S. 1619, to provide for identification of misaligned currency, require action to correct the misalignment, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

**SEC. \_\_\_\_ MODIFICATION AND PERMANENT EXTENSION OF THE INCENTIVES TO REINVEST FOREIGN EARNINGS IN THE UNITED STATES.**

(a) REPATRIATION SUBJECT TO 5 PERCENT TAX RATE.—Subsection (a)(1) of section 965 of

the Internal Revenue Code of 1986 is amended by striking “85 percent” and inserting “85.7 percent”.

(b) PERMANENT EXTENSION TO ELECT REPATRIATION.—Subsection (f) of section 965 of the Internal Revenue Code of 1986 is amended to read as follows:

“(f) ELECTION.—The taxpayer may elect to apply this section to any taxable year only if made on or before the due date (including extensions) for filing the return of tax for such taxable year.”

(c) REPATRIATION INCLUDES CURRENT AND ACCUMULATED FOREIGN EARNINGS.—

(1) IN GENERAL.—Paragraph (1) of section 965(b) of the Internal Revenue Code of 1986 is amended to read as follows:

“(1) IN GENERAL.—The amount of dividends taken into account under subsection (a) shall not exceed the sum of the current and accumulated earnings and profits described in section 959(c)(3) for the year a deduction is claimed under subsection (a), without diminution by reason of any distributions made during the election year, for all controlled foreign corporations of the United States shareholder.”

(2) CONFORMING AMENDMENTS.—

(A) Section 965(b) of such Code is amended by striking paragraphs (2) and (4) and by redesignating paragraph (3) as paragraph (2).

(B) Section 965(c) of such Code is amended by striking paragraphs (1) and (2) and by redesignating paragraphs (3), (4), and (5) as paragraphs (1), (2), and (3), respectively.

(C) Paragraph (3) of section 965(c) of such Code, as redesignated by subparagraph (B), is amended to read as follows:

“(3) CONTROLLED GROUPS.—All United States shareholders which are members of an affiliated group filing a consolidated return under section 1501 shall be treated as one United States shareholder.”

(d) CLERICAL AMENDMENTS.—

(1) The heading for section 965 of the Internal Revenue Code of 1986 is amended by striking “TEMPORARY”.

(2) The table of sections for subpart F of part III of subchapter N of chapter 1 of such Code is amended by striking “Temporary dividends” and inserting “Dividends”.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years ending after the date of the enactment of this Act.

**SA 692.** Mr. JOHANNIS submitted an amendment intended to be proposed by him to the bill S. 1619, to provide for identification of misaligned currency, require action to correct the misalignment, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

**TITLE \_\_\_\_ —FARM DUST REGULATION PREVENTION**

**SEC. \_\_\_\_ 01. SHORT TITLE.**

This title may be cited as the “Farm Dust Regulation Prevention Act of 2011”.

**SEC. \_\_\_\_ 02. NUISANCE DUST.**

Part A of title I of the Clean Air Act (42 U.S.C. 7401 et seq.) is amended by adding at the end the following:

**“SEC. 132. REGULATION OF NUISANCE DUST PRIMARILY BY STATE, TRIBAL, AND LOCAL GOVERNMENTS.**

“(a) DEFINITION OF NUISANCE DUST.—In this section, the term ‘nuisance dust’ means particulate matter—

“(1) generated from natural sources, unpaved roads, agricultural activities, earth moving, or other activities typically conducted in rural areas; or

“(2) consisting primarily of soil, windblown dust, or other natural or biological mate-

rials, or some combination of those materials.

“(b) APPLICABILITY.—Except as provided in subsection (c), this Act does not apply to, and references in this Act to particulate matter are deemed to exclude, nuisance dust.

“(c) EXCEPTION.—Subsection (b) does not apply with respect to any geographical area in which nuisance dust is not regulated under State, tribal, or local law to the extent that the Administrator finds that—

“(1) nuisance dust (or any subcategory of nuisance dust) causes substantial adverse public health and welfare effects at ambient concentrations; and

“(2) the benefits of applying standards and other requirements of this Act to nuisance dust (or such a subcategory of nuisance dust) outweigh the costs (including local and regional economic and employment impacts) of applying those standards and other requirements to nuisance dust (or such a subcategory).”

**SEC. \_\_\_\_ 03. TEMPORARY PROHIBITION AGAINST REVISING ANY NATIONAL AMBIENT AIR QUALITY STANDARD APPLICABLE TO COARSE PARTICULATE MATTER.**

Before the date that is 1 year after the date of enactment of this Act, the Administrator of the Environmental Protection Agency may not propose, finalize, implement, or enforce any regulation revising the national primary ambient air quality standard or the national secondary ambient air quality standard applicable to particulate matter with an aerodynamic diameter greater than 2.5 micrometers under section 109 of the Clean Air Act (42 U.S.C. 7409).

**SA 693.** Mr. WEBB submitted an amendment intended to be proposed by him to the bill S. 1619, to provide for identification of misaligned currency, require action to correct the misalignment, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

**SEC. 16. PROHIBITION ON TRANSFER OF PROPRIETARY TECHNOLOGY AND INTELLECTUAL PROPERTY DEVELOPED WITH FUNDING PROVIDED BY THE UNITED STATES GOVERNMENT TO ENTITIES OF CERTAIN COUNTRIES.**

(a) IN GENERAL.—Notwithstanding any other provision of law, a United States commercial entity may not transfer to any entity described in subsection (b) any proprietary technology or intellectual property that was researched, developed, or commercialized using a contract, grant, loan, loan guarantee, or other financial assistance provided or awarded by the United States Government.

(b) ENTITIES DESCRIBED.—

(1) IN GENERAL.—An entity described in this subsection is an entity—

(A) owned or controlled by the government of a country described in paragraph (2); or

(B) in which citizens of such a country hold interests representing at least 5 percent of the capital structure of the entity.

(2) COUNTRIES DESCRIBED.—A country described in this paragraph is a country in which, by law, practice, or policy, any United States entity is required to transfer proprietary technology or intellectual property as a condition of doing business in that country.

(c) WAIVER.—The Secretary of Commerce may waive the prohibition in subsection (a) with respect to a transfer of proprietary technology or intellectual property if the Secretary determines that the transfer would not compromise the economic interests or competitiveness of the United States.

(d) **APPLICABILITY.**—This section applies with respect to the transfer on or after the date of the enactment of this Act of any proprietary technology or intellectual property developed before, on, or after such date of enactment.

(e) **REGULATIONS.**—The Secretary of Commerce, in consultation with other relevant Federal agencies, shall prescribe such regulations as may be necessary to carry out this section.

(f) **UNITED STATES COMMERCIAL ENTITY DEFINED.**—In this section, the term “United States commercial entity” means a commercial entity organized under the laws of the United States or any jurisdiction within the United States.

**SA 694.** Mr. REID proposed an amendment to the bill S. 1619, to provide for identification of misaligned currency, require action to correct the misalignment, and for other purposes; as follows:

At the end, add the following new section:  
**SECTION \_\_\_\_ . EFFECTIVE DATE.**

The provisions of this Act shall become effective 3 days after enactment.

**SA 695.** Mr. REID proposed an amendment to amendment SA 694 proposed by Mr. REID to the bill S. 1619, to provide for identification of misaligned currency, require action to correct the misalignment, and for other purposes; as follows:

In the amendment, strike “3 days”, insert “2 days”.

**SA 696.** Mr. REID proposed an amendment to the bill S. 1619, to provide for identification of misaligned currency, require action to correct the misalignment, and for other purposes; as follows:

At the end, add the following new section:  
**SECTION \_\_\_\_ . EFFECTIVE DATE.**

The provisions of this Act shall become effective 6 days after enactment.

**SA 697.** Mr. REID proposed an amendment to amendment SA 696 proposed by Mr. REID to the bill S. 1619, to provide for identification of misaligned currency, require action to correct the misalignment, and for other purposes; as follows:

In the amendment, strike “6 days” and insert “5 days”.

**SA 698.** Mr. REID proposed an amendment to amendment SA 697 proposed by Mr. REID to the amendment SA 696 proposed by Mr. REID to the bill S. 1619, to provide for identification of misaligned currency, require action to correct the misalignment, and for other purposes; as follows:

In the amendment, strike “5 days” and insert “4 days”.

**SA 699.** Mr. CORKER submitted an amendment intended to be proposed by him to the bill S. 1619, to provide for identification of misaligned currency, require action to correct the misalignment, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

## **SEC. \_\_\_\_ . AMENDMENTS TO THE FEDERAL RESERVE ACT.**

(a) **MAINTENANCE OF LONG RUN GROWTH; PRICE STABILITY AND LOW INFLATION.**—Section 2A of the Federal Reserve Act (12 U.S.C. 225a) is amended—

(1) by striking “maximum employment, stable prices,” and inserting “long-term price stability, a low rate of inflation,”; and

(2) by at the end the following: “The Board shall establish an explicit numerical definition of the term ‘long-term price stability’ and shall maintain monetary policy that effectively promotes such long-term price stability.”.

(b) **RULE OF CONSTRUCTION.**—The amendments made by subsection (a) shall not be construed as a limitation on the authority or responsibility of the Board of Governors of the Federal Reserve System—

(1) to provide liquidity to markets in the event of a disruption that threatens the smooth functioning and stability of the financial sector; or

(2) to serve as a lender of last resort under the Federal Reserve Act when the Board determines such action is necessary.

(c) **CONGRESSIONAL OVERSIGHT.**—The Board of Governors of the Federal Reserve System shall, concurrent with each semiannual hearing to Congress, submit a written report to the Congress containing—

(1) numerical measures to help Congress assess the extent to which the Board and the Federal Open Market Committee are achieving and maintaining a legitimate definition of the term long-term price stability, as such term is defined or modified pursuant to the second sentence of section 2A of the Federal Reserve Act (as added by this Act);

(2) a description of the intermediate variables used by the Board to gauge the prospects for achieving the objective of long-term price stability; and

(3) the definition, or any modifications thereto, of the term long-term price stability, as such term is defined or modified pursuant to the second sentence of section 2A of the Federal Reserve Act (as added by this section).

**SA 700.** Ms. SNOWE (for herself and Mr. COBURN) submitted an amendment intended to be proposed by her to the bill S. 1619, to provide for identification of misaligned currency, require action to correct the misalignment, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

## **TITLE \_\_\_\_ —FREEDOM FROM RESTRICTIVE EXCESSIVE EXECUTIVE DEMANDS AND ONEROUS MANDATES**

### **SEC. \_\_\_\_ 1. SHORT TITLE.**

This title may be cited as the “Freedom from Restrictive Excessive Executive Demands and Onerous Mandates Act of 2011”.

### **SEC. \_\_\_\_ 2. FINDINGS.**

Congress finds the following:

(1) A vibrant and growing small business sector is critical to the recovery of the economy of the United States.

(2) Regulations designed for application to large-scale entities have been applied uniformly to small businesses and other small entities, sometimes inhibiting the ability of small entities to create new jobs.

(3) Uniform Federal regulatory and reporting requirements in many instances have imposed on small businesses and other small entities unnecessary and disproportionately burdensome demands, including legal, accounting, and consulting costs, thereby threatening the viability of small entities and the ability of small entities to compete and create new jobs in a global marketplace.

(4) Since 1980, Federal agencies have been required to recognize and take account of the differences in the scale and resources of regulated entities, but in many instances have failed to do so.

(5) In 2009, there were nearly 70,000 pages in the Federal Register, and, according to research by the Office of Advocacy of the Small Business Administration, the annual cost of Federal regulations totals \$1,750,000,000,000. Small firms bear a disproportionate burden, paying approximately 36 percent more per employee than larger firms in annual regulatory compliance costs.

(6) All agencies in the Federal Government should fully consider the costs, including indirect economic impacts and the potential for job loss, of proposed rules, periodically review existing regulations to determine their impact on small entities, and repeal regulations that are unnecessarily duplicative or have outlived their stated purpose.

(7) It is the intention of Congress to amend chapter 6 of title 5, United States Code, to ensure that all impacts, including foreseeable indirect effects, of proposed and final rules are considered by agencies during the rulemaking process and that the agencies assess a full range of alternatives that will limit adverse economic consequences, enhance economic benefits, and fully address potential job loss.

## **SEC. \_\_\_\_ 3. INCLUDING INDIRECT ECONOMIC IMPACT IN SMALL ENTITY ANALYSES.**

Section 601 of title 5, United States Code, is amended by adding at the end the following:

“(9) the term ‘economic impact’ means, with respect to a proposed or final rule—

“(A) the economic effects on small entities directly regulated by the rule; and

“(B) the reasonably foreseeable economic effects of the rule on small entities that—

“(i) purchase products or services from, sell products or services to, or otherwise conduct business with entities directly regulated by the rule;

“(ii) are directly regulated by other governmental entities as a result of the rule; or

“(iii) are not directly regulated by the agency as a result of the rule but are otherwise subject to other agency regulations as a result of the rule.”.

## **SEC. \_\_\_\_ 4. JUDICIAL REVIEW TO ALLOW SMALL ENTITIES TO CHALLENGE PROPOSED REGULATIONS.**

Section 611(a) of title 5, United States Code, is amended—

(1) in paragraph (1), by inserting “603,” after “601,”;

(2) in paragraph (2), by inserting “603,” after “601,”;

(3) by striking paragraph (3) and inserting the following:

“(3) A small entity may seek such review during the 1-year period beginning on the date of final agency action, except that—

“(A) if a provision of law requires that an action challenging a final agency action be commenced before the expiration of 1 year, the lesser period shall apply to an action for judicial review under this section; and

“(B) in the case of noncompliance with section 603 or 605(b), a small entity may seek judicial review of agency compliance with such section before the close of the public comment period.”; and

(4) in paragraph (4)—

(A) in subparagraph (A), by striking “, and” and inserting a semicolon;

(B) in subparagraph (B), by striking the period and inserting “; or”; and

(C) by adding at the end the following:

“(C) issuing an injunction prohibiting an agency from taking any agency action with respect to a rulemaking until that agency is

in compliance with the requirements of section 603 or 605.”.

#### SEC. 5. PERIODIC REVIEW.

Section 610 of title 5, United States Code, is amended to read as follows:

##### “§ 610. Periodic review of rules

“(a)(1) Not later than 180 days after the date of enactment of the Freedom from Restrictive Excessive Executive Demands and Onerous Mandates Act of 2011, each agency shall establish a plan for the periodic review of—

“(A) each rule issued by the agency that the head of the agency determines has a significant economic impact on a substantial number of small entities, without regard to whether the agency performed an analysis under section 604 with respect to the rule; and

“(B) any small entity compliance guide required to be published by the agency under section 212 of the Small Business Regulatory Enforcement Fairness Act of 1996 (5 U.S.C. 601 note).

“(2) In reviewing rules and small entity compliance guides under paragraph (1), the agency shall determine whether the rules and guides should—

“(A) be amended or rescinded, consistent with the stated objectives of applicable statutes, to minimize any significant adverse economic impacts on a substantial number of small entities (including an estimate of any adverse impacts on job creation and employment by small entities); or

“(B) continue in effect without change.

“(3) Each agency shall publish the plan established under paragraph (1) in the Federal Register and on the Web site of the agency.

“(4) An agency may amend the plan established under paragraph (1) at any time by publishing the amendment in the Federal Register and on the Web site of the agency.

“(b) Each plan established under subsection (a) shall provide for—

“(1) the review of each rule and small entity compliance guide described in subsection (a)(1) in effect on the date of enactment of the Freedom from Restrictive Excessive Executive Demands and Onerous Mandates Act of 2011—

“(A) not later than 9 years after the date of publication of the plan in the Federal Register; and

“(B) every 9 years thereafter; and

“(2) the review of each rule adopted and small entity compliance guide described in subsection (a)(1) that is published after the date of enactment of the Freedom from Restrictive Excessive Executive Demands and Onerous Mandates Act of 2011—

“(A) not later than 9 years after the publication of the final rule in the Federal Register; and

“(B) every 9 years thereafter.

“(c) In reviewing rules under the plan required under subsection (a), the agency shall consider—

“(1) the continued need for the rule;

“(2) the nature of complaints received by the agency from small entities concerning the rule;

“(3) comments by the Regulatory Enforcement Ombudsman and the Chief Counsel for Advocacy of the Small Business Administration;

“(4) the complexity of the rule;

“(5) the extent to which the rule overlaps, duplicates, or conflicts with other Federal rules and, unless the head of the agency determines it to be infeasible, State and local rules;

“(6) the contribution of the rule to the cumulative economic impact of all Federal rules on the class of small entities affected by the rule, unless the head of the agency determines that such a calculation cannot be made;

“(7) the length of time since the rule has been evaluated, or the degree to which technology, economic conditions, or other factors have changed in the area affected by the rule; and

“(8) the economic impact of the rule, including—

“(A) the estimated number of small entities to which the rule will apply;

“(B) the estimated number of small entity jobs that will be lost or created due to the rule; and

“(C) the projected reporting, record-keeping, and other compliance requirements of the proposed rule, including—

“(i) an estimate of the classes of small entities that will be subject to the requirement; and

“(ii) the type of professional skills necessary for preparation of the report or record.

“(d)(1) Each agency shall submit an annual report regarding the results of the review required under subsection (a) to—

“(A) Congress; and

“(B) in the case of an agency that is not an independent regulatory agency (as defined in section 3502(5) of title 44), the Administrator of the Office of Information and Regulatory Affairs of the Office of Management and Budget.

“(2) Each report required under paragraph (1) shall include a description of any rule or guide with respect to which the agency made a determination of infeasibility under paragraph (5) or (6) of subsection (c), together with a detailed explanation of the reasons for the determination.

“(e) Each agency shall publish in the Federal Register and on the Web site of the agency a list of the rules and small entity compliance guides to be reviewed under the plan required under subsection (a) that includes—

“(1) a brief description of each rule or guide;

“(2) for each rule, the reason why the head of the agency determined that the rule has a significant economic impact on a substantial number of small entities (without regard to whether the agency had prepared a final regulatory flexibility analysis for the rule); and

“(3) a request for comments from the public, the Chief Counsel for Advocacy of the Small Business Administration, and the Regulatory Enforcement Ombudsman concerning the enforcement of the rules or publication of the guides.

“(f)(1) Not later than 6 months after each date described in subsection (b)(1), the Inspector General for each agency shall—

“(A) determine whether the agency has conducted the review required under subsection (b) appropriately; and

“(B) notify the head of the agency of—

“(i) the results of the determination under subparagraph (A); and

“(ii) any issues preventing the Inspector General from determining that the agency has conducted the review under subsection (b) appropriately.

“(2)(A) Not later than 6 months after the date on which the head of an agency receives a notice under paragraph (1)(B) that the agency has not conducted the review under subsection (b) appropriately, the agency shall address the issues identified in the notice.

“(B) Not later than 30 days after the last day of the 6-month period described in subparagraph (A), the Inspector General for an agency that receives a notice described in subparagraph (A) shall—

“(i) determine whether the agency has addressed the issues identified in the notice; and

“(ii) notify Congress if the Inspector General determines that the agency has not ad-

ressed the issues identified in the notice; and

“(C) Not later than 30 days after the date on which the Inspector General for an agency transmits a notice under subparagraph (B)(ii), an amount equal to 1 percent of the amount appropriated for the fiscal year to the appropriations account of the agency that is used to pay salaries shall be rescinded.

“(D) Nothing in this paragraph may be construed to prevent Congress from acting to prevent a rescission under subparagraph (C).”.

#### SEC. 6. REQUIRING SMALL BUSINESS REVIEW PANELS FOR ADDITIONAL AGENCIES.

(a) AGENCIES.—Section 609 of title 5, United States Code, is amended—

(1) in subsection (b)—

(A) by striking “a covered agency” the first place it appears and inserting “an agency designated under subsection (d)”;

(B) by striking “a covered agency” each place it appears and inserting “the agency”; (2) by striking subsection (d), as amended by section 1100G(a) of Public Law 111–203 (124 Stat. 2112), and inserting the following:

“(d)(1) On and after the date of enactment of the Freedom from Restrictive Excessive Executive Demands and Onerous Mandates Act of 2011, the Environmental Protection Agency, the Occupational Safety and Health Administration of the Department of Labor, and the Bureau of Consumer Financial Protection shall be—

“(A) agencies designated under this subsection; and

“(B) subject to the requirements of subsection (b).

“(2) The Chief Counsel for Advocacy shall designate as agencies that shall be subject to the requirements of subsection (b) on and after the date of the designation—

“(A) 3 agencies for the first year after the date of enactment of the Freedom from Restrictive Excessive Executive Demands and Onerous Mandates Act of 2011;

“(B) in addition to the agencies designated under subparagraph (A), 3 agencies for the second year after the date of enactment of the Freedom from Restrictive Excessive Executive Demands and Onerous Mandates Act of 2011; and

“(C) in addition to the agencies designated under subparagraphs (A) and (B), 3 agencies for the third year after the date of enactment of the Freedom from Restrictive Excessive Executive Demands and Onerous Mandates Act of 2011.

“(3) The Chief Counsel for Advocacy shall designate agencies under paragraph (2) based on the economic impact of the rules of the agency on small entities, beginning with agencies with the largest economic impact on small entities.”; and

(3) in subsection (e)(1), by striking “the covered agency” and inserting “the agency”.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) SECTION 603.—Section 603(d) of title 5, United States Code, as added by section 1100G(b) of Public Law 111–203 (124 Stat. 2112), is amended—

(A) in paragraph (1), by striking “a covered agency, as defined in section 609(d)(2)” and inserting “the Bureau of Consumer Financial Protection”; and

(B) in paragraph (2), by striking “A covered agency, as defined in section 609(d)(2),” and inserting “The Bureau of Consumer Financial Protection”.

(2) SECTION 604.—Section 604(a) of title 5, United States Code, is amended—

(A) by redesignating the second paragraph designated as paragraph (6) (relating to covered agencies), as added by section 1100G(c)(3) of Public Law 111–203 (124 Stat. 2113), as paragraph (7); and

(B) in paragraph (7), as so redesignated—

(i) by striking “a covered agency, as defined in section 609(d)(2)” and inserting “the Bureau of Consumer Financial Protection”; and

(ii) by striking “the agency” and inserting “the Bureau”.

**SEC. 7. EXPANDING THE REGULATORY FLEXIBILITY ACT TO AGENCY GUIDANCE DOCUMENTS.**

Section 601(2) of title 5, United States Code, is amended by inserting after “public comment” the following: “and any significant guidance document, as defined in the Office of Management and Budget Final Bulletin for Agency Good Guidance Procedures (72 Fed. Reg. 3432; January 25, 2007)”.

**SEC. 8. REQUIRING THE INTERNAL REVENUE SERVICE TO CONSIDER SMALL ENTITY IMPACT.**

(a) IN GENERAL.—Section 603(a) of title 5, United States Code, is amended, in the fifth sentence, by striking “but only” and all that follows through the period at the end and inserting “but only to the extent that such interpretative rules, or the statutes upon which such rules are based, impose on small entities a collection of information requirement or a recordkeeping requirement.”.

(b) DEFINITIONS.—Section 601 of title 5, United States Code, as amended by section 3 of this title, is amended—

(1) in paragraph (6), by striking “and” at the end; and

(2) by striking paragraphs (7) and (8) and inserting the following:

“(7) the term ‘collection of information’ has the meaning given that term in section 3502(3) of title 44;

“(8) the term ‘recordkeeping requirement’ has the meaning given that term in section 3502(13) of title 44; and”.

**SEC. 9. REPORTING ON ENFORCEMENT ACTIONS RELATING TO SMALL ENTITIES.**

Section 223 of the Small Business Regulatory Enforcement Fairness Act of 1996 (5 U.S.C. 601 note) is amended—

(1) in subsection (a)—

(A) by striking “Each agency” and inserting the following:

“(1) ESTABLISHMENT OF POLICY OR PROGRAM.—Each agency”; and

(B) by adding at the end the following:

“(2) REVIEW OF CIVIL PENALTIES.—Not later than 2 years after the date of enactment of the Freedom from Restrictive Excessive Executive Demands and Onerous Mandates Act of 2011, and every 2 years thereafter, each agency regulating the activities of small entities shall review the civil penalties imposed by the agency for violations of a statutory or regulatory requirement by a small entity to determine whether a reduction or waiver of the civil penalties is appropriate.”; and

(2) in subsection (c)—

(A) by striking “Agencies shall report” and all that follows through “the scope” and inserting “Not later than 2 years after the date of enactment of the Freedom from Restrictive Excessive Executive Demands and Onerous Mandates Act of 2011, and every 2 years thereafter, each agency shall submit to the Committee on Small Business and Entrepreneurship and the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Small Business and the Committee on the Judiciary of the House of Representatives a report discussing the scope”; and

(B) by striking “and the total amount of penalty reductions and waivers” and inserting “the total amount of penalty reductions and waivers, and the results of the most recent review under subsection (a)(2)”.

**SEC. 10. REQUIRING MORE DETAILED SMALL ENTITY ANALYSES.**

(a) INITIAL REGULATORY FLEXIBILITY ANALYSIS.—Section 603 of title 5, United States Code, as amended by section 1100G(b) of Public Law 111-203 (124 Stat. 2112), is amended—

(1) by striking subsection (b) and inserting the following:

“(b) Each initial regulatory flexibility analysis required under this section shall contain a detailed statement—

“(1) describing the reasons why action by the agency is being considered;

“(2) describing the objectives of, and legal basis for, the proposed rule;

“(3) estimating the number and type of small entities to which the proposed rule will apply;

“(4) describing the projected reporting, recordkeeping, and other compliance requirements of the proposed rule, including an estimate of the classes of small entities which will be subject to the requirement and the type of professional skills necessary for preparation of the report and record;

“(5) describing all relevant Federal rules which may duplicate, overlap, or conflict with the proposed rule, or the reasons why such a description could not be provided; and

“(6) estimating the additional cumulative economic impact of the proposed rule on small entities, including job loss by small entities, beyond that already imposed on the class of small entities by the agency, or the reasons why such an estimate is not available.”; and

(2) by adding at the end the following:

“(e) An agency shall notify the Chief Counsel for Advocacy of the Small Business Administration of any draft rules that may have a significant economic impact on a substantial number of small entities—

“(1) when the agency submits a draft rule to the Office of Information and Regulatory Affairs of the Office of Management and Budget under Executive Order 12866, if that order requires the submission; or

“(2) if no submission to the Office of Information and Regulatory Affairs is required—

“(A) a reasonable period before publication of the rule by the agency; and

“(B) in any event, not later than 3 months before the date on which the agency publishes the rule.”.

(b) FINAL REGULATORY FLEXIBILITY ANALYSIS.—

(1) IN GENERAL.—Section 604(a) of title 5, United States Code, is amended—

(A) by inserting “detailed” before “description” each place it appears;

(B) in paragraph (2)—

(i) by inserting “detailed” before “statement” each place it appears; and

(ii) by inserting “(or certification of the proposed rule under section 605(b))” after “initial regulatory flexibility analysis”;

(C) in paragraph (4), by striking “an explanation” and inserting “a detailed explanation”; and

(D) in paragraph (6) (relating to a description of steps taken to minimize significant economic impact), as added by section 1601 of the Small Business Jobs Act of 2010 (Public Law 111-240; 124 Stat. 2251), by inserting “detailed” before “statement”.

(2) PUBLICATION OF ANALYSIS ON WEB SITE, ETC.—Section 604(b) of title 5, United States Code, is amended to read as follows:

“(b) The agency shall—

“(1) make copies of the final regulatory flexibility analysis available to the public, including by publishing the entire final regulatory flexibility analysis on the Web site of the agency; and

“(2) publish in the Federal Register the final regulatory flexibility analysis, or a summary of the analysis that includes the telephone number, mailing address, and ad-

dress of the Web site where the complete final regulatory flexibility analysis may be obtained.”.

(c) CROSS-REFERENCES TO OTHER ANALYSES.—Section 605(a) of title 5, United States Code, is amended to read as follows:

“(a) A Federal agency shall be deemed to have satisfied a requirement regarding the content of a regulatory flexibility agenda or regulatory flexibility analysis under section 602, 603, or 604, if the Federal agency provides in the agenda or regulatory flexibility analysis a cross-reference to the specific portion of an agenda or analysis that is required by another law and that satisfies the requirement under section 602, 603, or 604.”.

(d) CERTIFICATIONS.—Section 605(b) of title 5, United States Code, is amended, in the second sentence, by striking “statement providing the factual” and inserting “detailed statement providing the factual and legal”.

(e) QUANTIFICATION REQUIREMENTS.—Section 607 of title 5, United States Code, is amended to read as follows:

**“§ 607. Quantification requirements**

“In complying with sections 603 and 604, an agency shall provide—

“(1) a quantifiable or numerical description of the effects of the proposed or final rule, including an estimate of the potential for job loss, and alternatives to the proposed or final rule; or

“(2) a more general descriptive statement regarding the potential for job loss and a detailed statement explaining why quantification under paragraph (1) is not practicable or reliable.”.

**SEC. 11. ENSURING THAT AGENCIES CONSIDER SMALL ENTITY IMPACT DURING THE RULEMAKING PROCESS.**

Section 605(b) of title 5, United States Code, is amended—

(1) by inserting “(1)” after “(b)”; and

(2) by adding at the end the following:

“(2) If, after publication of the certification required under paragraph (1), the head of the agency determines that there will be a significant economic impact on a substantial number of small entities, the agency shall comply with the requirements of section 603 before the publication of the final rule, by—

“(A) publishing an initial regulatory flexibility analysis for public comment; or

“(B) re-proposing the rule with an initial regulatory flexibility analysis.

“(3) The head of an agency may not make a certification relating to a rule under this subsection, unless the head of the agency has determined—

“(A) the average cost of the rule for small entities affected or reasonably presumed to be affected by the rule;

“(B) the number of small entities affected or reasonably presumed to be affected by the rule; and

“(C) the number of affected small entities for which that cost will be significant.

“(4) Before publishing a certification and a statement providing the factual basis for the certification under paragraph (1), the head of an agency shall—

“(A) transmit a copy of the certification and statement to the Chief Counsel for Advocacy of the Small Business Administration; and

“(B) consult with the Chief Counsel for Advocacy of the Small Business Administration on the accuracy of the certification and statement.”.

**SEC. 12. ADDITIONAL POWERS OF THE OFFICE OF ADVOCACY.**

Section 203 of Public Law 94-305 (15 U.S.C. 634c) is amended—

(1) in paragraph (5), by striking “and” at the end;

(2) in paragraph (6), by striking the period at the end and inserting “; and”; and



(3) by inserting after paragraph (6) the following:

“(7) at the discretion of the Chief Counsel for Advocacy, comment on regulatory action by an agency that affects small businesses, without regard to whether the agency is required to file a notice of proposed rulemaking under section 553 of title 5, United States Code, with respect to the action.”.

#### SEC. 13. FUNDING AND OFFSETS.

(a) AUTHORIZATION.—There are authorized to be appropriated to the Small Business Administration, for any costs of carrying out this title and the amendments made by this title (including the costs of hiring additional employees)—

- (1) \$1,000,000 for fiscal year 2012;
- (2) \$2,000,000 for fiscal year 2013; and
- (3) \$3,000,000 for fiscal year 2014.

(b) REPEALS.—In order to offset the costs of carrying out this title and the amendments made by this title and to reduce the Federal deficit, the following provisions of law are repealed, effective on the date of enactment of this Act:

- (1) Section 21(n) of the Small Business Act (15 U.S.C. 648).
- (2) Section 27 of the Small Business Act (15 U.S.C. 654).

(3) Section 1203(c) of the Energy Security and Efficiency Act of 2007 (15 U.S.C. 657h(c)).

#### SEC. 14. TECHNICAL AND CONFORMING AMENDMENTS.

(a) HEADING.—Section 605 of title 5, United States Code, is amended in the section heading by striking “**Avoidance**” and all that follows and inserting the following: “**Incorporations by reference and certification**”.

(b) TABLE OF SECTIONS.—The table of sections for chapter 6 of title 5, United States Code, is amended—

- (1) by striking the item relating to section 605 and inserting the following:

“605. Incorporations by reference and certifications.”;

and

- (2) by striking the item relating to section 607 inserting the following:

“607. Quantification requirements.”.

**SA 701.** Mr. ROBERTS submitted an amendment intended to be proposed by him to the bill S. 1619, to provide for identification of misaligned currency, require action to correct the misalignment, and for other purposes; which was ordered to lie on the table; as follows:

On page 33, after line 5, insert the following:

#### SEC. 16. REPEAL OF UNEARNED INCOME MEDICAL CONTRIBUTION TAX.

Subsection (a) of section 1402 of the Health Care and Education Reconciliation Act of 2010, and the amendments made thereby, are hereby repealed; and the Internal Revenue Code of 1986 shall be applied as if such subsection and amendments had never been enacted.

**SA 702.** Mr. ROBERTS submitted an amendment intended to be proposed by him to the bill S. 1619, to provide for identification of misaligned currency, require action to correct the misalignment, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

#### SEC. 17. PROTECTION OF AMERICAN JOBS.

Notwithstanding any other provision of law, no Federal funds shall be used by the

Centers for Medicare & Medicaid Services to implement or enforce any regulation promulgated pursuant to the Patient Protection and Affordable Care Act until such time as the Office of the Actuary of such Centers—

(1) publishes an analysis of the impact that such regulation would have on health care premiums in the individual and group markets; and

(2) estimates, based on the analysis published under paragraph (1), that the implementation of such regulation will not result in an increase in individual or group market premiums in excess of 5 percent.

**SA 703.** Mr. BROWN of Massachusetts submitted an amendment intended to be proposed by him to the bill S. 1619, to provide for identification of misaligned currency, require action to correct the misalignment, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

#### SEC. 18. REPEAL OF IMPOSITION OF WITHHOLDING ON CERTAIN PAYMENTS MADE TO VENDORS BY GOVERNMENT ENTITIES.

(a) IN GENERAL.—The amendment made by section 511 of the Tax Increase Prevention and Reconciliation Act of 2005 is repealed and the Internal Revenue Code of 1986 shall be applied as if such amendment had never been enacted.

(b) RESCISSION OF UNSPENT FEDERAL FUNDS TO OFFSET LOSS IN REVENUES.—

(1) IN GENERAL.—Notwithstanding any other provision of law, of all available unobligated funds, \$30,000,000,000 in appropriated discretionary funds are hereby permanently rescinded.

(2) IMPLEMENTATION.—The Director of the Office of Management and Budget shall determine and identify from which appropriation accounts the rescission under paragraph (1) shall apply and the amount of such rescission that shall apply to each such account. Not later than 60 days after the date of the enactment of this Act, the Director of the Office of Management and Budget shall submit a report to the Secretary of the Treasury and Congress of the accounts and amounts determined and identified for rescission under the preceding sentence.

(3) EXCEPTION.—This subsection shall not apply to the unobligated funds of the Department of Defense or the Department of Veterans Affairs.

**SA 704.** Ms. STABENOW (for herself and Mr. GRAHAM) submitted an amendment intended to be proposed by her to the bill S. 1619, to provide for identification of misaligned currency, require action to correct the misalignment, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

#### SEC. 19. CHIEF TRADE ENFORCEMENT OFFICER.

(a) ESTABLISHMENT OF POSITION.—Section 141(b)(2) of the Trade Act of 1974 (19 U.S.C. 2171(b)(2)) is amended to read as follows:

“(2) There shall be in the Office 3 Deputy United States Trade Representatives, 1 Chief Agricultural Negotiator, and 1 Chief Trade Enforcement Officer who shall all be appointed by the President, by and with the advice and consent of the Senate. As an exercise of the rulemaking power of the Senate, any nomination of a Deputy United States Trade Representative, the Chief Agricultural Negotiator, or the Chief Trade Enforcement Officer submitted to the Senate for its ad-

vice and consent, and referred to a committee, shall be referred to the Committee on Finance. Each Deputy United States Trade Representative, the Chief Agricultural Negotiator, and the Chief Trade Enforcement Officer shall hold office at the pleasure of the President and shall have the rank of Ambassador.”.

(b) FUNCTIONS OF POSITION.—Section 141(c) of the Trade Act of 1974 (19 U.S.C. 2171(c)) is amended by adding at the end the following new paragraph:

“(6) The principal function of the Chief Trade Enforcement Officer shall be to ensure that United States trading partners comply with trade agreements to which the United States is a party. The Chief Trade Enforcement Officer shall assist the United States Trade Representative in investigating and prosecuting disputes pursuant to trade agreements to which the United States is a party, including before the World Trade Organization, and shall assist the United States Trade Representative in carrying out the Trade Representative's functions under subsection (d). The Chief Trade Enforcement Officer shall make recommendations with respect to the administration of United States trade laws relating to foreign government barriers to United States goods, services, investment, and intellectual property, and with respect to government procurement and other trade matters. The Chief Trade Enforcement Officer shall perform such other functions as the United States Trade Representative may direct.”.

(c) COMPENSATION.—Section 5314 of title 5, United States Code, is amended by inserting after “Chief Agricultural Negotiator.” the following:

“Chief Trade Enforcement Officer.”.

(d) TECHNICAL AMENDMENTS.—Section 141(e) of the Trade Act of 1974 (19 U.S.C. 2171(e)) is amended—

- (1) in paragraph (1), by striking “5314” and inserting “5315”; and

(2) in paragraph (2), by striking “the maximum rate of pay for grade GS-18 as provided in section 5332” and inserting “the maximum rate of pay for level IV of the Executive Schedule in section 5315”.

**SA 705.** Mr. UDALL of Colorado submitted an amendment intended to be proposed by him to the bill S. 1619, to provide for identification of misaligned currency, require action to correct the misalignment, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the bill, add the following:

#### TITLE 18.—CRITICAL MINERALS AND MATERIALS

##### SEC. 101. SHORT TITLE.

This title may be cited as the “Critical Minerals and Materials Promotion Act of 2011”.

##### SEC. 102. DEFINITION OF CRITICAL MINERALS AND MATERIALS.

In this title:

(1) IN GENERAL.—The term “critical minerals and materials” means naturally occurring, nonliving, nonfuel substances with a definite chemical composition—

(A) that perform an essential function for which no satisfactory substitutes exist; and

(B) the supply of which has a high probability of becoming restricted, leading to physical unavailability or excessive costs for the applicable minerals and materials in key applications.

(2) EXCLUSIONS.—The term “critical minerals and materials” does not include ice, water, or snow.

**SEC. \_\_\_\_ 03. PROGRAM TO DETERMINE PRESENCE OF AND FUTURE NEEDS FOR CRITICAL MINERALS AND MATERIALS.**

(a) **IN GENERAL.**—The Secretary of the Interior, acting through the United States Geological Survey, shall establish a research and development program—

(1) to provide data and scientific analyses for research on, and assessments of the potential for, undiscovered and discovered resources of critical minerals and materials in the United States and other countries; and

(2) to analyze and assess current and future critical minerals and materials supply chains—

(A) with advice from the Energy Information Administration on future energy technology market penetration; and

(B) using the Mineral Commodity Summaries produced by the United States Geological Survey.

(b) **GLOBAL SUPPLY CHAIN.**—The Secretary shall, if appropriate, cooperate with international partners to ensure that the program established under subsection (a) provides analyses of the global supply chain of critical minerals and materials.

**SEC. \_\_\_\_ 04. PROGRAM TO STRENGTHEN THE DOMESTIC CRITICAL MINERALS AND MATERIALS SUPPLY CHAIN FOR CLEAN ENERGY TECHNOLOGIES.**

The Secretary of Energy shall conduct a program of research, development, and demonstration to strengthen the domestic critical minerals and materials supply chain for clean energy technologies and to ensure the long-term, secure, and sustainable supply of critical minerals and materials sufficient to strengthen the national security of the United States and meet the clean energy production needs of the United States, including—

(1) critical minerals and materials production, processing, and refining;

(2) minimization of critical minerals and materials in energy technologies;

(3) recycling of critical minerals and materials; and

(4) substitutes for critical minerals and materials in energy technologies.

**SEC. \_\_\_\_ 05. STRENGTHENING EDUCATION AND TRAINING IN MINERAL AND MATERIAL SCIENCE AND ENGINEERING FOR CRITICAL MINERALS AND MATERIALS PRODUCTION.**

(a) **IN GENERAL.**—The Secretary of Energy shall promote the development of the critical minerals and materials industry workforce in the United States.

(b) **SUPPORT.**—In carrying out subsection (a), the Secretary shall support—

(1) critical minerals and materials education by providing undergraduate and graduate scholarships and fellowships at institutions of higher education, including technical and community colleges;

(2) partnerships between industry and institutions of higher education, including technical and community colleges, to provide onsite job training; and

(3) development of courses and curricula on critical minerals and materials.

**SEC. \_\_\_\_ 06. SUPPLY OF CRITICAL MINERALS AND MATERIALS.**

(a) **POLICY.**—It is the policy of the United States to promote an adequate and stable supply of critical minerals and materials necessary to maintain national security, economic well-being, and industrial production with appropriate attention to a long-term balance between resource production, energy use, a healthy environment, natural resources conservation, and social needs.

(b) **IMPLEMENTATION.**—To implement the policy described in subsection (a), the President, acting through the Executive Office of the President, shall—

(1) coordinate the actions of applicable Federal agencies;

(2) identify critical minerals and materials needs and establish early warning systems for critical minerals and materials supply problems;

(3) establish a mechanism for the coordination and evaluation of Federal critical minerals and materials programs, including programs involving research and development, in a manner that complements related efforts carried out by the private sector and other domestic and international agencies and organizations;

(4) promote and encourage private enterprise in the development of economically sound and stable domestic critical minerals and materials supply chains;

(5) promote and encourage the recycling of critical minerals and materials, taking into account the logistics, economic viability, environmental sustainability, and research and development needs for completing the recycling process;

(6) assess the need for and make recommendations concerning the availability and adequacy of the supply of technically trained personnel necessary for critical minerals and materials research, development, extraction, and industrial practice, with a particular focus on the problem of attracting and maintaining high-quality professionals for maintaining an adequate supply of critical minerals and materials; and

(7) report to Congress on activities and findings under this subsection.

**SA 706.** Mr. BROWN of Massachusetts submitted an amendment intended to be proposed by him to the bill S. 1619, to provide for identification of misaligned currency, require action to correct the misalignment, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

**SEC. 16. GOVERNMENT ACCOUNTABILITY OFFICE REPORT ON THE TRANSFER TO ENTITIES IN THE PEOPLE'S REPUBLIC OF CHINA OF TECHNOLOGY DEVELOPED USING FUNDS PROVIDED BY THE UNITED STATES GOVERNMENT.**

(a) **IN GENERAL.**—Not later than March 30, 2012, the Comptroller General of the United States shall submit to Congress a report on the transfer by United States persons of technology developed using grants, loans, or other financial assistance provided by the United States Government to entities in the People's Republic of China or entities owned or controlled by the Government of China that includes an assessment of the following:

(1) The degree to which the United States Government has expressly or tacitly acquiesced to the transfer of such technology to such entities.

(2) The strategic benefit to the Government of China and to industries in China of obtaining such technology.

(3) The extent to which there is a concerted effort by the Government of China to obtain certain types of technology from United States persons.

(4) Any instances of the transfer of technology to entities in China or entities owned or controlled by the Government of China that are of national security concern to the United States Government.

(5) The degree to which the transfer of technology to such an entity by a United States person has caused other United States persons to need to compete against other such entities.

(6) Any instances of the transfer of technology that have enabled such entities to advance beyond the technological capabilities of industries in the United States or to make significant gains in technological development relative to the technological capabilities of such industries.

(7) The cost to United States taxpayers of research that—

(A) has been carried out using grants, loans, or other financial assistance provided by the United States Government; and

(B) has resulted in technology that has been transferred to an entity in China or an entity owned or controlled by the Government of China.

(8) Any other notable instances of transfer of technology to such entities that are a cause for concern for the United States Government or the global technological leadership of the United States.

(b) **UNITED STATES PERSON DEFINED.**—In this section, the term “United States person” means—

(1) an individual who is a citizen of the United States or an alien lawfully admitted for permanent residence to the United States; or

(2) an entity organized under the laws of the United States or of any jurisdiction within the United States.

**SA 707.** Mr. BROWN of Massachusetts submitted an amendment intended to be proposed by him to the bill S. 1619, to provide for identification of misaligned currency, require action to correct the misalignment, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

**SEC. 16. GOVERNMENT ACCOUNTABILITY OFFICE REPORT ON THE TRANSFER TO ENTITIES IN THE PEOPLE'S REPUBLIC OF CHINA OF TECHNOLOGY DEVELOPED USING FUNDS PROVIDED BY THE UNITED STATES GOVERNMENT.**

(a) **IN GENERAL.**—Not later than March 30, 2012, the Comptroller General of the United States shall submit to Congress a report on the transfer by United States persons of technology developed using grants, loans, or other financial assistance provided by the United States Government to entities in the People's Republic of China or entities owned or controlled by the Government of China that includes an assessment of the following:

(1) The degree to which the United States Government has expressly or tacitly acquiesced to the transfer of such technology to such entities.

(2) The strategic benefit to the Government of China and to industries in China of obtaining such technology.

(3) The extent to which there is a concerted effort by the Government of China to obtain certain types of technology from United States persons.

(4) Any instances of the transfer of technology to entities in China or entities owned or controlled by the Government of China that are of national security concern to the United States Government.

(5) The degree to which the transfer of technology to such an entity by a United States person has caused other United States persons to need to compete against other such entities.

(6) Any instances of the transfer of technology that have enabled such entities to advance beyond the technological capabilities of industries in the United States or to make significant gains in technological development relative to the technological capabilities of such industries.

(7) The cost to United States taxpayers of research that—

(A) has been carried out using grants, loans, or other financial assistance provided by the United States Government; and

(B) has resulted in technology that has been transferred to an entity in China or an entity owned or controlled by the Government of China.

(8) Any other notable instances of transfer of technology to such entities that are a cause for concern for the United States Government or the global technological leadership of the United States.

(b) UNITED STATES PERSON DEFINED.—In this section, the term “United States person” means—

(1) an individual who is a citizen of the United States or an alien lawfully admitted for permanent residence to the United States; or

(2) an entity organized under the laws of the United States or of any jurisdiction within the United States.

**SA 708.** Mr. BROWN of Massachusetts submitted an amendment intended to be proposed by him to the bill S. 1619, to provide for identification of misaligned currency, require action to correct the misalignment, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

**SEC. 16. IMPROVING ACCESS TO INTERNATIONAL MARKETS.**

There are authorized to be appropriated to the United States Trade Representative \$2,000,000 for each of the fiscal years 2012 through 2014 to initiate any proceeding to resolve a dispute relating to a barrier to market access with a country—

(1) that is a WTO member (as that term is defined in section 2(10) of the Uruguay Round Agreements Act (19 U.S.C. 3501(10))); or

(2) with which the United States has a free trade agreement in effect.

**SA 709.** Mr. BROWN of Massachusetts submitted an amendment intended to be proposed by him to the bill S. 1619, to provide for identification of misaligned currency, require action to correct the misalignment, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

**SEC. 16. IMPROVING ACCESS TO INTERNATIONAL MARKETS.**

There are authorized to be appropriated to the United States Trade Representative \$2,000,000 for each of the fiscal years 2012 through 2014 to initiate any proceeding to resolve a dispute relating to a barrier to market access with a country—

(1) that is a WTO member (as that term is defined in section 2(10) of the Uruguay Round Agreements Act (19 U.S.C. 3501(10))); or

(2) with which the United States has a free trade agreement in effect.

**SA 710.** Mr. BROWN of Massachusetts submitted an amendment intended to be proposed by him to the bill S. 1619, to provide for identification of misaligned currency, require action to correct the misalignment, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

**SEC. 16. INCLUSION OF EXPEDITED DISPUTE SETTLEMENT PROCESS WITH RESPECT TO NONTARIFF BARRIERS IN THE TRANS-PACIFIC PARTNERSHIP AGREEMENT.**

(a) IN GENERAL.—In negotiations with respect to the Trans-Pacific Partnership Agreement, it shall be a negotiating objective of the United States to include in the Agreement a process for settling disputes with respect to nontariff barriers on an expedited basis.

(b) CONSULTATIONS.—The United States Trade Representative shall consult with

small- and medium-sized businesses in the United States and other interested parties in determining how to make the expedited dispute settlement process described in subsection (a) most effective.

**SA 711.** Mr. BROWN of Massachusetts submitted an amendment intended to be proposed by him to the bill S. 1619, to provide for identification of misaligned currency, require action to correct the misalignment, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

**SEC. 16. INCLUSION OF EXPEDITED DISPUTE SETTLEMENT PROCESS WITH RESPECT TO NONTARIFF BARRIERS IN THE TRANS-PACIFIC PARTNERSHIP AGREEMENT.**

(a) IN GENERAL.—In negotiations with respect to the Trans-Pacific Partnership Agreement, it shall be a negotiating objective of the United States to include in the Agreement a process for settling disputes with respect to nontariff barriers on an expedited basis.

(b) CONSULTATIONS.—The United States Trade Representative shall consult with small- and medium-sized businesses in the United States and other interested parties in determining how to make the expedited dispute settlement process described in subsection (a) most effective.

**SA 712.** Mr. SHELBY (for himself, Mr. CRAPO, Mr. CORKER, Mr. DEMINT, Mr. VITTER, Mr. JOHANNES, Mr. TOOMEY, Mr. KIRK, Mr. MORAN, and Mr. WICKER) submitted an amendment intended to be proposed by him to the bill S. 1619, to provide for identification of misaligned currency, require action to correct the misalignment, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

**TITLE II—FINANCIAL REGULATORY RESPONSIBILITY**

**SEC. 201. SHORT TITLE.**

This title may be cited as the “Financial Regulatory Responsibility Act of 2011”.

**SEC. 202. DEFINITIONS.**

As used in this title—

(1) the term “agency” means the Board of Governors of the Federal Reserve System, the Bureau of Consumer Financial Protection, the Commodity Futures Trading Commission, the Federal Deposit Insurance Corporation, the Federal Housing Finance Agency, the Financial Stability Oversight Council, the Office of the Comptroller of the Currency, the Office of Financial Research, the National Credit Union Administration, and the Securities and Exchange Commission;

(2) the term “chief economist” means—

(A) with respect to the Board of Governors of the Federal Reserve System, the Director of the Division of Research and Statistics, or an employee of the agency with comparable authority;

(B) with respect to the Bureau of Consumer Financial Protection, the Assistant Director for Research, or an employee of the agency with comparable authority;

(C) with respect to the Commodity Futures Trading Commission, the Chief Economist, or an employee of the agency with comparable authority;

(D) with respect to the Federal Deposit Insurance Corporation, the Director of the Division of Insurance and Research, or an employee of the agency with comparable authority;

(E) with respect to the Federal Housing Finance Agency, the Chief Economist, or an employee of the agency with comparable authority;

(F) with respect to the Financial Stability Oversight Council, the Chief Economist, or an employee of the agency with comparable authority;

(G) with respect to the Office of the Comptroller of the Currency, the Director for Policy Analysis, or an employee of the agency with comparable authority;

(H) with respect to the Office of Financial Research, the Director, or an employee of the agency with comparable authority;

(I) with respect to the National Credit Union Administration, the Chief Economist, or an employee of the agency with comparable authority; and

(J) with respect to the Securities and Exchange Commission, the Director of the Division of Risk, Strategy, and Financial Innovation, or an employee of the agency with comparable authority;

(3) the term “Council” means the Chief Economists Council established under section 209; and

(4) the term “regulation”—

(A) means an agency statement of general applicability and future effect that is designed to implement, interpret, or prescribe law or policy or to describe the procedure or practice requirements of an agency, including rules, orders of general applicability, interpretive releases, and other statements of general applicability that the agency intends to have the force and effect of law;

(B) does not include—

(i) a regulation issued in accordance with the formal rulemaking provisions of section 556 or 557 of title 5, United States Code;

(ii) a regulation that is limited to agency organization, management, or personnel matters;

(iii) a regulation promulgated pursuant to statutory authority that expressly prohibits compliance with this provision;

(iv) a regulation that is certified by the agency to be an emergency action, if such certification is published in the Federal Register; or

(v) a regulation that is promulgated by the Board of Governors of the Federal Reserve System or the Federal Open Market Committee under section 10A, 10B, 13, 13A, or 19 of the Federal Reserve Act, or any of subsections (a) through (f) of section 14 of that Act.

**SEC. 203. REQUIRED REGULATORY ANALYSIS.**

(a) REQUIREMENTS FOR NOTICES OF PROPOSED RULEMAKING.—An agency may not issue a notice of proposed rulemaking unless the agency includes in the notice of proposed rulemaking an analysis that contains, at a minimum, with respect to each regulation that is being proposed—

(1) an identification of the need for the regulation and the regulatory objective, including identification of the nature and significance of the market failure, regulatory failure, or other problem that necessitates the regulation;

(2) an explanation of why the private market or State, local, or tribal authorities cannot adequately address the identified market failure or other problem;

(3) an analysis of the adverse impacts to regulated entities, other market participants, economic activity, or agency effectiveness that are engendered by the regulation and the magnitude of such adverse impacts;

(4) a quantitative and qualitative assessment of all anticipated direct and indirect costs and benefits of the regulation (as compared to a benchmark that assumes the absence of the regulation), including—

(A) compliance costs;

(B) effects on economic activity, net job creation (excluding jobs related to ensuring compliance with the regulation), efficiency, competition, and capital formation;

(C) regulatory administrative costs; and

(D) costs imposed by the regulation on State, local, or tribal governments or other regulatory authorities;

(5) if quantified benefits do not outweigh quantitative costs, a justification for the regulation;

(6) identification and assessment of all available alternatives to the regulation, including modification of an existing regulation or statute, together with—

(A) an explanation of why the regulation meets the objectives of the regulation more effectively than the alternatives, and if the agency is proposing multiple alternatives, an explanation of why a notice of proposed rulemaking, rather than an advanced notice of proposed rulemaking, is appropriate; and

(B) if the regulation is not a pilot program, an explanation of why a pilot program is not appropriate;

(7) if the regulation specifies the behavior or manner of compliance, an explanation of why the agency did not instead specify performance objectives;

(8) an assessment of how the burden imposed by the regulation will be distributed among market participants, including whether consumers, investors, or small businesses will be disproportionately burdened;

(9) an assessment of the extent to which the regulation is inconsistent, incompatible, or duplicative with the existing regulations of the agency or those of other domestic and international regulatory authorities with overlapping jurisdiction;

(10) a description of any studies, surveys, or other data relied upon in preparing the analysis;

(11) an assessment of the degree to which the key assumptions underlying the analysis are subject to uncertainty; and

(12) an explanation of predicted changes in market structure and infrastructure and in behavior by market participants, including consumers and investors, assuming that they will pursue their economic interests.

#### (b) REQUIREMENTS FOR NOTICES OF FINAL RULEMAKING.—

(1) IN GENERAL.—Notwithstanding any other provision of law, an agency may not issue a notice of final rulemaking with respect to a regulation unless the agency—

(A) has issued a notice of proposed rulemaking for the relevant regulation;

(B) has conducted and includes in the notice of final rulemaking an analysis that contains, at a minimum, the elements required under subsection (a); and

(C) includes in the notice of final rulemaking regulatory impact metrics selected by the chief economist to be used in preparing the report required pursuant to section 206.

(2) CONSIDERATION OF COMMENTS.—The agency shall incorporate in the elements described in paragraph (1)(B) the data and analyses provided to the agency by commenters during the comment period, or explain why the data or analyses are not being incorporated.

(3) COMMENT PERIOD.—An agency shall not publish a notice of final rulemaking with respect to a regulation, unless the agency—

(A) has allowed at least 90 days from the date of publication in the Federal Register of the notice of proposed rulemaking for the submission of public comments; or

(B) includes in the notice of final rulemaking an explanation of why the agency was not able to provide a 90-day comment period.

(4) PROHIBITED RULES.—

(A) IN GENERAL.—An agency may not publish a notice of final rulemaking if the agency, in its analysis under paragraph (1)(B), determines that the quantified costs are greater than the quantified benefits under subsection (a)(5).

(B) PUBLICATION OF ANALYSIS.—If the agency is precluded by subparagraph (A) from publishing a notice of final rulemaking, the agency shall publish in the Federal Register and on the public website of the agency its analysis under paragraph (1)(B), and provide the analysis to each House of Congress.

(C) CONGRESSIONAL WAIVER.—If the agency is precluded by subparagraph (A) from publishing a notice of final rulemaking, Congress, by joint resolution pursuant to the procedures set forth for joint resolutions in section 802 of title 5, United States Code, may direct the agency to publish a notice of final rulemaking notwithstanding the prohibition contained in subparagraph (A). In applying section 802 of title 5, United States Code, for purposes of this paragraph, section 802(e)(2) shall not apply and the term—

(i) “joint resolution” or “joint resolution described in subsection (a)” means only a joint resolution introduced during the period beginning on the submission or publication date and ending 60 days thereafter (excluding days either House of Congress is adjourned for more than 3 days during a session of Congress), the matter after the resolving clause of which is as follows: “That Congress directs, notwithstanding the prohibition contained in (3)(b)(4)(A) of the Financial Regulatory Responsibility Act of 2011, the \_\_\_ to publish the notice of final rulemaking for the regulation or regulations that were the subject of the analysis submitted by the \_\_\_ to Congress on \_\_\_.” (The blank spaces being appropriately filled in.); and

(ii) “submission or publication date” means—

(I) the date on which the analysis under paragraph (1)(B) is submitted to Congress under paragraph (4)(B); or

(II) if the analysis is submitted to Congress less than 60 session days or 60 legislative days before the date on which the Congress adjourns a session of Congress, the date on which the same or succeeding Congress first convenes its next session.

#### SEC. 204. RULE OF CONSTRUCTION.

For purposes of the Paperwork Reduction Act (44 U.S.C. 3501 et seq.), obtaining, causing to be obtained, or soliciting information for purposes of complying with section 203 with respect to a proposed rulemaking shall not be construed to be a collection of information, provided that the agency has first issued an advanced notice of proposed rulemaking in connection with the regulation, identifies that advanced notice of proposed rulemaking in its solicitation of information, and informs the person from whom the information is obtained or solicited that the provision of information is voluntary.

#### SEC. 205. PUBLIC AVAILABILITY OF DATA AND REGULATORY ANALYSIS.

(a) IN GENERAL.—At or before the commencement of the public comment period with respect to a regulation, the agency shall make available on its public website sufficient information about the data, methodologies, and assumptions underlying the analyses performed pursuant to section 203 so that the analytical results of the agency are capable of being substantially reproduced, subject to an acceptable degree of imprecision or error.

(b) CONFIDENTIALITY.—The agency shall comply with subsection (a) in a manner that preserves the confidentiality of nonpublic information, including confidential trade secrets, confidential commercial or financial information, and confidential information

about positions, transactions, or business practices.

#### SEC. 206. FIVE-YEAR REGULATORY IMPACT ANALYSIS.

(a) IN GENERAL.—Not later than 5 years after the date of publication in the Federal Register of a notice of final rulemaking, the chief economist of the agency shall issue a report that examines the economic impact of the subject regulation, including the direct and indirect costs and benefits of the regulation.

(b) REGULATORY IMPACT METRICS.—In preparing the report required by subsection (a), the chief economist shall employ the regulatory impact metrics included in the notice of final rulemaking pursuant to section 203(b)(1)(C).

(c) REPRODUCIBILITY.—The report shall include the data, methodologies, and assumptions underlying the evaluation so that the agency’s analytical results are capable of being substantially reproduced, subject to an acceptable degree of imprecision or error.

(d) CONFIDENTIALITY.—The agency shall comply with subsection (c) in a manner that preserves the confidentiality of nonpublic information, including confidential trade secrets, confidential commercial or financial information, and confidential information about positions, transactions, or business practices.

(e) REPORT.—The agency shall submit the report required by subsection (a) to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives and post it on the public website of the agency. The Commodity Futures Trading Commission shall also submit its report to the Committee on Agriculture, Nutrition, and Forestry of the Senate and the Committee on Agriculture of the House of Representatives.

#### SEC. 207. RETROSPECTIVE REVIEW OF EXISTING RULES.

(a) REGULATORY IMPROVEMENT PLAN.—Not later than 1 year after the date of enactment of this Act and every 5 years thereafter, each agency shall develop, submit to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives, and post on the public website of the agency a plan, consistent with law and its resources and regulatory priorities, under which the agency will modify, streamline, expand, or repeal existing regulations so as to make the regulatory program of the agency more effective or less burdensome in achieving the regulatory objectives. The Commodity Futures Trading Commission shall also submit its plan to the Committee on Agriculture, Nutrition, and Forestry of the Senate and the Committee on Agriculture of the House of Representatives.

(b) IMPLEMENTATION PROGRESS REPORT.—Two years after the date of submission of each plan required under subsection (a), each agency shall develop, submit to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives, and post on the public website of the agency a report of the steps that it has taken to implement the plan, steps that remain to be taken to implement the plan, and, if any parts of the plan will not be implemented, reasons for not implementing those parts of the plan. The Commodity Futures Trading Commission shall also submit its plan to the Committee on Agriculture, Nutrition, and Forestry of the Senate and the Committee on Agriculture of the House of Representatives.

#### SEC. 208. JUDICIAL REVIEW.

(a) IN GENERAL.—Notwithstanding any other provision of law, during the period beginning on the date on which a notice of

final rulemaking for a regulation is published in the Federal Register and ending 1 year later, a person that is adversely affected or aggrieved by the regulation is entitled to bring an action in the United States Court of Appeals for the District of Columbia Circuit for judicial review of agency compliance with the requirements of section 203.

(b) **STAY.**—The court may stay the effective date of the regulation or any provision thereof.

(c) **RELIEF.**—If the court finds that an agency has not complied with the requirements of section 203, the court shall vacate the subject regulation, unless the agency shows by clear and convincing evidence that vacating the regulation would result in irreparable harm. Nothing in this section affects other limitations on judicial review or the power or duty of the court to dismiss any action or deny relief on any other appropriate legal or equitable ground.

#### SEC. 209. CHIEF ECONOMISTS COUNCIL.

(a) **ESTABLISHMENT.**—There is established the Chief Economists Council.

(b) **MEMBERSHIP.**—The Council shall consist of the chief economist of each agency. The members of the Council shall select the first chairperson of the Council. Thereafter the position of Chairperson shall rotate annually among the members of the Council.

(c) **MEETINGS.**—The Council shall meet at the call of the Chairperson, but not less frequently than quarterly.

(d) **REPORT.**—One year after the effective date of this Act and annually thereafter, the Council shall prepare and submit to the Committee on Banking, Housing, and Urban Affairs and the Committee on Agriculture, Nutrition, and Forestry of the Senate and the Committee on Financial Services and the Committee on Agriculture of the House of Representatives a report on—

(1) the benefits and costs of regulations adopted by the agencies during the past 12 months;

(2) the regulatory actions planned by the agencies for the upcoming 12 months;

(3) the cumulative effect of the existing regulations of the agencies on economic activity, innovation, international competitiveness of entities regulated by the agencies, and net job creation (excluding jobs related to ensuring compliance with the regulation);

(4) the training and qualifications of the persons who prepared the cost-benefit analyses of each agency during the past 12 months;

(5) the sufficiency of the resources available to the chief economists during the past 12 months for the conduct of the activities required by this Act; and

(6) recommendations for legislative or regulatory action to enhance the efficiency and effectiveness of financial regulation in the United States.

#### SEC. 210. CONFORMING AMENDMENTS.

Section 15(a) of the Commodity Exchange Act (7 U.S.C. 19(a)) is amended—

(1) by striking paragraph (1);

(2) in paragraph (2), by striking (2) and all that follows through “light of—” and inserting the following:

“(1) **CONSIDERATIONS.**—Before promulgating a regulation under this chapter or issuing an order (except as provided in paragraph (2)), the Commission shall take into consideration—”;

(3) in paragraph (1), as so redesignated—

(A) in subparagraph (B), by striking “futures” and inserting “the relevant”;

(B) in subparagraph (C), by adding “and” at the end;

(C) in subparagraph (D), by striking “and” at the end; and

(D) by striking subparagraph (E); and

(4) by redesignating paragraph (3) as paragraph (2).

#### SEC. 211. OTHER REGULATORY ENTITIES.

(a) **SECURITIES AND EXCHANGE COMMISSION.**—Not later than 1 year after the date of enactment of this Act, the Securities and Exchange Commission shall provide to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives a report setting forth a plan for subjecting the Public Company Accounting Oversight Board, the Municipal Securities Rulemaking Board, and any national securities association registered under section 15A of the Securities Exchange Act of 1934 (15 U.S.C. 78o-4(a)) to the requirements of this Act, other than direct representation on the Council.

(b) **COMMODITY FUTURES TRADING COMMISSION.**—Not later than 1 year after the date of enactment of this Act, the Commodity Futures Trading Commission shall provide to the Committee on Banking, Housing, and Urban Affairs of the Senate, the Committee on Financial Services of the House of Representatives, the Committee on Agriculture, Nutrition, and Forestry of the Senate, and the Committee on Agriculture of the House of Representatives a report setting forth a plan for subjecting any futures association registered under section 17 of the Commodity Exchange Act (7 U.S.C. 21) to the requirements of this Act, other than direct representation on the Council.

#### SEC. 212. AVOIDANCE OF DUPLICATIVE OR UNNECESSARY ANALYSES.

An agency may perform the analyses required by this Act in conjunction with, or as a part of, any other agenda or analysis required by any other provision of law, if such other analysis satisfies the provisions this Act.

#### SEC. 213. SEVERABILITY.

If any provision of this Act or the application of any provision of this Act to any person or circumstance, is held invalid, the application of such provision to other persons or circumstances, and the remainder of this Act, shall not be affected thereby.

**SA 713.** Mr. WHITEHOUSE submitted an amendment intended to be proposed by him to the bill S. 1619, to provide for identification of misaligned currency, require action to correct the misalignment, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

#### SEC. \_\_\_\_\_. TAXATION OF INCOME OF CONTROLLED FOREIGN CORPORATIONS ATTRIBUTABLE TO IMPORTED PROPERTY.

(a) **GENERAL RULE.**—Subsection (a) of section 954 of the Internal Revenue Code of 1986 is amended by striking the period at the end of paragraph (5) and inserting “, and”, by redesignating paragraph (5) as paragraph (4), and by adding at the end the following new paragraph:

“(5) imported property income for the taxable year (determined under subsection (b)) and reduced as provided in subsection (b)(5).”.

(b) **DEFINITION OF IMPORTED PROPERTY INCOME.**—Section 954 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

“(j) **IMPORTED PROPERTY INCOME.**—

“(1) **IN GENERAL.**—For purposes of subsection (a)(5), the term ‘imported property income’ means income (whether in the form of profits, commissions, fees, or otherwise) derived in connection with—

“(A) manufacturing, producing, growing, or extracting imported property;

“(B) the sale, exchange, or other disposition of imported property; or

“(C) the lease, rental, or licensing of imported property.

Such term shall not include any foreign oil and gas extraction income (within the meaning of section 907(c)) or any foreign oil related income (within the meaning of section 907(c)).

“(2) **IMPORTED PROPERTY.**—For purposes of this subsection—

“(A) **IN GENERAL.**—Except as otherwise provided in this paragraph, the term ‘imported property’ means property which is imported into the United States by the controlled foreign corporation or a related person.

“(B) **IMPORTED PROPERTY INCLUDES CERTAIN PROPERTY IMPORTED BY UNRELATED PERSONS.**—The term ‘imported property’ includes any property imported into the United States by an unrelated person if, when such property was sold to the unrelated person by the controlled foreign corporation (or a related person), it was reasonable to expect that—

“(i) such property would be imported into the United States; or

“(ii) such property would be used as a component in other property which would be imported into the United States.

“(C) **EXCEPTION FOR PROPERTY SUBSEQUENTLY EXPORTED.**—The term ‘imported property’ does not include any property which is imported into the United States and which—

“(i) before substantial use in the United States, is sold, leased, or rented by the controlled foreign corporation or a related person for direct use, consumption, or disposition outside the United States; or

“(ii) is used by the controlled foreign corporation or a related person as a component in other property which is so sold, leased, or rented.

“(D) **EXCEPTION FOR CERTAIN AGRICULTURAL COMMODITIES.**—The term ‘imported property’ does not include any agricultural commodity which is not grown in the United States in commercially marketable quantities.

“(3) **DEFINITIONS AND SPECIAL RULES.**—

“(A) **IMPORT.**—For purposes of this subsection, the term ‘import’ means entering, or withdrawal from warehouse, for consumption or use. Such term includes any grant of the right to use intangible property (as defined in section 936(h)(3)(B)) in the United States.

“(B) **UNITED STATES.**—For purposes of this subsection, the term ‘United States’ includes the Commonwealth of Puerto Rico, the Virgin Islands of the United States, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

“(C) **UNRELATED PERSON.**—For purposes of this subsection, the term ‘unrelated person’ means any person who is not a related person with respect to the controlled foreign corporation.

“(D) **COORDINATION WITH FOREIGN BASE COMPANY SALES INCOME.**—For purposes of this section, the term ‘foreign base company sales income’ shall not include any imported property income.”.

(c) **SEPARATE APPLICATION OF LIMITATIONS ON FOREIGN TAX CREDIT FOR IMPORTED PROPERTY INCOME.**—

(1) **IN GENERAL.**—Paragraph (1) of section 904(d) of the Internal Revenue Code of 1986 is amended by striking “and” at the end of subparagraph (A), by redesignating subparagraph (B) as subparagraph (C), and by inserting after subparagraph (A) the following new subparagraph:

“(B) imported property income, and”.

(2) **IMPORTED PROPERTY INCOME DEFINED.**—Paragraph (2) of section 904(d) of such Code is amended by redesignating subparagraphs (I), (J), and (K) as subparagraphs (J), (K), and

(L), respectively, and by inserting after subparagraph (H) the following new subparagraph:

“(I) IMPORTED PROPERTY INCOME.—The term ‘imported property income’ means any income received or accrued by any person which is of a kind which would be imported property income (as defined in section 954(j)).”.

(3) CONFORMING AMENDMENT.—Clause (ii) of section 904(d)(2)(A) of such Code is amended by inserting “or imported property income” after “passive category income”.

(d) TECHNICAL AMENDMENTS.—

(1) Clause (iii) of section 952(c)(1)(B) of the Internal Revenue Code of 1986 is amended—

(A) by redesignating subclauses (II), (III), (IV), and (V) as subclauses (III), (IV), (V), and (VI), and

(B) by inserting after subclause (I) the following new subclause:

“(II) imported property income.”.

(2) The last sentence of paragraph (4) of section 954(b) of such Code is amended by striking “subsection (a)(5)” and inserting “subsection (a)(4)”.

(3) Paragraph (5) of section 954(b) of such Code is amended by striking “and the foreign base company oil related income” and inserting “the foreign base company oil related income, and the imported property income”.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years of foreign corporations beginning after the date of the enactment of this Act, and to taxable years of United States shareholders within which or with which such taxable years of such foreign corporations end.

**SA 714.** Mr. WYDEN (for himself and Mr. CRAPO) submitted an amendment intended to be proposed by him to the bill S. 1619, to provide for identification of misaligned currency, require action to correct the misalignment, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

**TITLE —DUTY-FREE TREATMENT OF CERTAIN RECREATIONAL PERFORMANCE OUTERWEAR**

**SEC. 01. SHORT TITLE.**

This title may be cited as the “United States Optimal Use of Trade to Develop Outerwear and Outdoor Recreation Act” or the “U.S. OUTDOOR Act”.

**SEC. 02. FINDINGS.**

Congress finds the following:

(1) The outdoor industry contributes \$730,000,000,000 to the United States economy annually.

(2) Outdoor activities are vitally important to the health and well-being of the people of the United States.

(3) Duty rates on recreational performance apparel are among the highest duty rates imposed by the United States Government, with duties on some recreational performance apparel as high as 28.2 percent.

(4) The duties currently imposed by the United States on recreational performance apparel were set in an era during which high rates of duty were intended to protect the production of other apparel in the United States, and before the technologies and innovations that create today’s recreational performance apparel industry were developed.

(5) In July 2007, the United States International Trade Commission confirmed in USITC Publication 3937 that recreational performance apparel produced in the United States makes up less than 1 percent of the total recreational performance apparel market and therefore concluded that there is no commercially viable production of rec-

reational performance apparel in the United States.

(6) On November 1, 2005, the Committee for the Implementation of Textile Agreements confirmed in the Federal Register that imports of certain recreational performance apparel do not contribute to domestic market disruption or adversely affect United States textile and apparel producers (70 Fed. Reg. 65889).

(7) The elimination of duties on the importation of certain recreational performance apparel would provide an economic benefit to United States consumers of outdoor products and would promote increased participation in healthy and active lifestyles.

**SEC. 03. KNIT APPAREL AND ACCESSORIES.**

(a) DEFINITIONS.—The Additional U.S. Note to Chapter 61 of the Harmonized Tariff Schedule of the United States is amended—

(1) in the heading, by striking “Additional U.S. Note” and inserting “Additional U.S. Notes”; and

(2) by adding at the end the following new notes:

“2.(a) For purposes of this chapter, the term ‘recreational performance outerwear’ means trousers (including, but not limited to, paddling pants, ski or snowboard pants, and ski or snowboard pants intended for sale as parts of ski-suits), coveralls and bib overalls, and jackets (including, but not limited to, full zip jackets, paddling jackets, ski jackets, and ski jackets intended for sale as parts of ski-suits), windbreakers, and similar articles (including padded, sleeveless jackets) composed of knit fabrics of cotton, wool, hemp, bamboo, silk, or manmade fiber, or a combination of such fibers, that are either water-resistant or visibly coated, or both, with critically sealed seams, and with 5 or more of the following features:

“(i) Insulation for cold weather protection.

“(ii) Pockets, at least one of which has a zippered, hook and loop, or other type of closure.

“(iii) Elastic, drawcord, or other means of tightening around the waist or leg hems, including hidden leg sleeves with a means of tightening at the ankle for trousers and tightening around the waist or bottom hem for jackets.

“(iv) Venting, not including grommet(s).

“(v) Articulated elbows or knees.

“(vi) Reinforcement in one of the following areas: the elbows, shoulders, seat, knees, ankles, or cuffs.

“(vii) Weatherproof closure at the waist or front.

“(viii) Multi-adjustable hood or adjustable collar.

“(ix) Adjustable powder skirt, inner protective skirt, or adjustable inner protective cuff at sleeve hem.

“(x) Construction at the arm gusset that utilizes fabric, design, or patterning to allow radial arm movement.

“(xi) Odor control technology.

The term ‘recreational performance outerwear’ does not include occupational outerwear or garments with an outer surface of looped pile.

“(b) For purposes of this Note, the following terms have the following meanings:

“(i) The term ‘water-resistant’ means that a garment must have a water resistance (see ASTM designations D 3779-81 and D 7017) such that, under a head pressure of 600 millimeters, not more than 1.0 gram of water penetrates after two minutes when tested in accordance with the current version of AATCC Test Method 35. The water resistance of the garment is the result of a rubber or plastics application to the outer shell, lining, or inner lining.

“(ii) The term ‘visibly coated’ refers to fabric that is impregnated, coated, covered,

or laminated with plastics, such as fabrics described in Note 2 to chapter 59.

“(iii) The term ‘sealed seams’ means seams that have been covered by means of taping, gluing, bonding, cementing, fusing, welding, or a similar process so that water cannot pass through the seams when tested in accordance with the current version of AATCC Test Method 35.

“(iv) The term ‘critically sealed seams’ means—

“(A) for jackets, sealed seams that are sealed at the front and back yokes, or at the shoulders, arm holes, or both, where applicable; and

“(B) for trousers, sealed seams that are sealed at the front (up to the zipper or other means of closure) and back rise.

“(v) The term ‘insulation for cold weather protection’ means insulation with either synthetic fill, down, a laminated thermal backing, or other lining for thermal protection from cold weather.

“(vi) The term ‘venting’ refers to closeable or permanent constructed openings in a garment (excluding front, primary zipper closures and grommet(s)) to allow increased expulsion of built-up heat during outdoor activities. In a jacket, such openings are often positioned on the underarm seam of a garment but may also be placed along other seams in the front or back of a garment. In trousers, such openings are often positioned on the inner or outer leg seams of a garment but may also be placed along other seams in the front or back of a garment.

“(vii) The term ‘articulated elbows or knees’ refers to the construction of a sleeve (or pant leg) to allow improved mobility at the elbow (or knee) through the use of extra seams, darts, gussets, or other means.

“(viii) The term ‘reinforcement’ refers to the use of a double layer of fabric or section(s) of fabric that is abrasion-resistant or otherwise more durable than the face fabric of the garment.

“(ix) The term ‘weatherproof closure’ means a closure (including, but not limited to, laminated or coated zippers, storm flaps, or other weatherproof construction) that has been reinforced or engineered in a manner to reduce the penetration or absorption of moisture or air through an opening in the garment.

“(x) The term ‘multi-adjustable hood or adjustable collar’ means a draw cord, adjustment tab, or elastic incorporated into the hood or collar construction to allow volume adjustments around a helmet, the crown of the head, neck, or face.

“(xi) The terms ‘adjustable powder skirt’ and ‘inner protective skirt’ refer to a partial lower inner lining with means of tightening around the waist for additional protection from the elements.

“(xii) The term ‘arm gusset’ means construction at the arm of a gusset that utilizes an extra fabric piece in the under arm usually diamond- or triangular-shaped, design, or pattern to allow radial arm movement.

“(xiii) The term ‘radial arm movement’ refers to unrestricted, 180-degree range of motion for the arm while wearing performance outerwear.

“(xiv) The term ‘odor control technology’ means an additive in a fabric or garment capable of adsorbing, absorbing, or reacting with human odors, or effective in reducing odor-causing bacteria, including but not limited to activated carbon, silver, copper, or any combination thereof.

“(xv) The term ‘occupational outerwear’ means outerwear garments, including uniforms, designed or marketed for use in the workplace or at a worksite to provide durable protection from cold or inclement weather and/or workplace hazards, such as fire,



electrical, abrasion, or chemical hazards, or impacts, cuts, punctures, or similar hazards.

“3. For purposes of this chapter, the importer of record shall specify upon entry whether garments claimed as recreational performance outerwear have an outer surface that is water-resistant, visibly coated, or a

combination thereof, and shall further enumerate the specific features that make the garments eligible to be classified as recreational performance outerwear.”.

(b) TARIFF CLASSIFICATIONS.—Chapter 61 of the Harmonized Tariff Schedule of the United States is amended as follows:

(1) By striking subheading 6101.20.00 and inserting the following, with the article description for subheading 6101.20 having the same degree of indentation as the article description for subheading 6101.20.00 (as in effect on the day before the date of the enactment of this Act):

“	6101.20	Of cotton:							
	6101.20.05	Recreational performance outerwear .....	Free					50%	
	6101.20.10	Other .....	15.9%		Free (BH, CA, CL, IL, JO, MA, MX, OM, P, PE, SG) 8% (AU)			50%	”.

(2) By striking subheadings 6101.30.10 through 6101.30.20 and inserting the following, with the article description for subheading 6101.30.05 having the same degree of indentation as the article description for subheading 6101.30.10 (as in effect on the day before the date of the enactment of this Act):

“	6101.30.05	Recreational performance outerwear .....	Free					35%	
		Other:							
	6101.30.10	Containing 25 percent or more by weight of leather .....	5.6%		Free (BH, CA, CL, IL, JO, MA, MX, OM, P, PE, SG) 5% (AU)			35%	
	6101.30.15	Containing 23 percent or more by weight of wool or fine animal hair .....	38.6¢/kg + 10%		Free (BH, CA, CL, IL, JO, MA, MX, OM, P, PE, SG) 8% (AU)			77.2¢/kg + 54.5%	
	6101.30.20	Other .....	28.2%		Free (BH, CA, CL, IL, JO, MA, MX, OM, P, PE, SG) 8% (AU)			72%	”.

(3) By striking subheadings 6101.90.05 through 6101.90.90 and inserting the following, with the article description for subheading 6101.90.01 having the same degree of indentation as the article description for subheading 6101.90.05 (as in effect on the day before the date of the enactment of this Act):

“	6101.90.01	Recreational performance outerwear .....	Free					45%	
		Other:							
	6101.90.05	Of wool or fine animal hair .....	61.7¢/kg + 16%		Free (BH, CA, CL, IL, JO, MA, MX, OM, P, PE, SG) 8% (AU)				
	6101.90.10	Containing 70 percent or more by weight of silk or silk waste .....	0.9%		43.1¢/kg + 11.2% (OM)			77.2¢/kg + 54.5%	
	6101.90.90	Other .....	5.7%		Free (AU, BH, CA, CL, E, IL, J, JO, MA, MX, OM, P, PE, SG) Free (BH, CA, CL, E*, IL, JO, MA, MX, OM, P, PE, SG) 5.1% (AU)			45%	”.

(4) By striking subheading 6102.10.00 and inserting the following, with the article description for subheading 6102.10 having the same degree of indentation as the article description for subheading 6102.10.00 (as in effect on the day before the date of the enactment of this Act):

“	6102.10	Of wool or fine animal hair:							
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6102.10.05	Recreational performance outerwear .....	Free		68.3¢/kg + 54.5%	
6102.10.10	Other .....	55.9¢/kg + 16.4%	Free (BH, CA, CL, IL, JO, MA, MX, P, PE, SG)		
			8% (AU)		
			39.1¢/kg + 11.4%		
			(OM)	68.3¢/kg + 54.5%	”.

(5) By striking subheading 6102.20.00 and inserting the following, with the article description for subheading 6102.20 having the same degree of indentation as the article description for subheading 6102.20.00 (as in effect on the day before the date of the enactment of this Act):

“ 6102.20	Of cotton:				
6102.20.05	Recreational performance outerwear	Free		50%	
6102.20.10	Other .....	15.9%	Free (BH, CA, CL, IL, JO, MA, MX, OM, P, PE, SG)		
			8% (AU)	50%	”.

(6) By striking subheadings 6102.30.05 through 6102.30.20 and inserting the following, with the article description for subheading 6102.30.01 having the same degree of indentation as the article description for subheading 6102.30.05 (as in effect on the day before the date of the enactment of this Act):

“ 6102.30.01	Recreational performance outerwear .....	Free		35%	
	Other:				
6102.30.05	Containing 25 percent or more by weight of leather .....	5.3%	Free (BH, CA, CL, IL, JO, MA, MX, OM, P, PE, SG)		
			4.7% (AU)	35%	
6102.30.10	Containing 23 percent or more by weight of wool or fine animal hair .....	64.4¢/kg + 18.8%	Free (BH, CA, CL, IL, JO, MA, MX, OM, P, PE, SG)		
			8% (AU)	68.3¢/kg + 54.5%	
6102.30.20	Other .....	28.2%	Free (BH, CA, CL, IL, JO, MA, MX, OM, P, PE, SG)		
			8% (AU)	72%	”.

(7) By striking subheadings 6102.90.10 and 6102.90.90 and inserting the following, with the article description for subheading 6102.90.05 having the same degree of indentation as the article description for subheading 6102.90.10 (as in effect on the day before the date of the enactment of this Act):

“ 6102.90.05	Recreational performance outerwear .....	Free		45%	
	Other:				
6102.90.10	Containing 70 percent or more by weight of silk or silk waste .....	0.9%	Free (AU, BH, CA, CL, E, IL, J, JO, MA, MX, OM, P, PE, SG)		
				45%	
6102.90.90	Other .....	5.7%	Free (BH, CA, CL, E*, IL, JO, MA, MX, OM, P, PE, SG)		
			5.1% (AU)	45%	”.

(8) By striking subheadings 6103.41.10 and 6103.41.20 and inserting the following, with the article description for subheading 6103.41.05 having the same degree of indentation as the article description for subheading 6103.41.10 (as in effect on the day before the date of the enactment of this Act):

“ 6103.41.05	Recreational performance outerwear .....	Free		77.2¢/kg + 54.5%	
	Other:				

6103.41.10	Trousers, breeches and shorts .....	61.1¢/kg + 15.8%	Free (BH, CA, CL, IL, JO, MA, MX, P, PE, SG) 8% (AU) 42.7¢/kg + 11% (OM)	77.2¢/kg + 54.5%	”.
6103.41.20	Bib and brace overalls .....	13.6%	Free (BH, CA, CL, IL, JO, MA, MX, P, PE, SG) 8% (AU) 9.5% (OM)	54.5%	”.

(9) By striking subheadings 6103.42.10 and 6103.42.20 and inserting the following, with the article description for subheading 6103.42.05 having the same degree of indentation as the article description for subheading 6103.42.10 (as in effect on the day before the date of the enactment of this Act):

“	6103.42.05	Recreational performance outerwear .....	Free		45%	
		Other:				
	6103.42.10	Trousers, breeches and shorts .....	16.1%	Free (BH, CA, CL, IL, JO, MA, MX, OM, P, PE, SG) 8% (AU)	45%	
	6103.42.20	Bib and brace overalls .....	10.3%	Free (BH, CA, CL, IL, JO, MA, MX, OM, P, PE, SG) 8% (AU)	90%	”.

(10) By striking subheadings 6103.43.10 through 6103.43.20 and inserting the following, with the article description for subheading 6103.43.05 having the same degree of indentation as the article description for subheading 6103.43.10 (as in effect on the day before the date of the enactment of this Act):

“	6103.43.05	Recreational performance outerwear .....	Free		77.2¢/kg + 54.5%	
		Other:				
		Trousers, breeches and shorts:				
	6103.43.10	Containing 23 percent or more by weight of wool or fine animal hair ....	58.5¢/kg + 15.2%	Free (BH, CA, CL, IL, JO, MA, MX, OM, P, PE, SG) 8% (AU)	77.2¢/kg + 54.5%	
	6103.43.15	Other .....	28.2%	Free (BH, CA, CL, IL, JO, MA, MX, OM, P, PE, SG) 8% (AU)	72%	
	6103.43.20	Bib and brace overalls .....	14.9%	Free (BH, CA, CL, IL, JO, MA, MX, OM, P, PE, SG) 8% (AU)	72%	”.

(11) By striking subheadings 6103.49 through 6103.49.80 and inserting the following, with the article description for subheading 6103.49 having the same degree of indentation as the article description for subheading 6103.49 (as in effect on the day before the date of the enactment of this Act):

“	6103.49	Of other textile materials:				
		Of artificial fibers:				
	6103.49.05	Recreational performance outerwear .....	Free		72%	
		Other:				

6103.49.10	Trousers, breeches and shorts .....	28.2%	Free (BH, CA, CL, IL, JO, MA, MX, OM, P, PE, SG) 8% (AU)	72%	
6103.49.20	Bib and brace overalls .....	13.6%	Free (BH, CA, CL, IL, JO, MA, MX, OM, P, PE, SG) 8% (AU)	72%	
6103.49.40	Containing 70 percent or more by weight of silk or silk waste .....	0.9%	Free (AU, BH, CA, CL, E, IL, J, JO, MA, MX, OM, P, PE, SG)	35%	
6103.49.80	Other .....	5.6%	Free (BH, CA, CL, E*, IL, JO, MA, MX, OM, P, PE, SG) 5% (AU)	35%	”.

(12) By striking subheading 6104.61.00 and inserting the following, with the article description for subheading 6104.61 having the same degree of indentation as the article description for subheading 6104.61.00 (as in effect on the day before the date of the enactment of this Act):

“	6104.61	Of wool and fine animal hair:			
	6104.61.05	Recreational performance outerwear .....	Free		54.5%
	6104.61.10	Other .....	14.9%	Free (BH, CA, CL, IL, JO, MA, MX, P, PE, SG) 8% (AU) 10.4% (OM)	54.5%
					”.

(13) By striking subheadings 6104.62.10 and 6104.62.20 and inserting the following, with the article description for subheading 6104.62.05 having the same degree of indentation as the article description for subheading 6104.62.10 (as in effect on the day before the date of the enactment of this Act):

“	6104.62.05	Recreational performance outerwear .....	Free		90%
		Other:			
	6104.62.10	Bib and brace overalls .....	10.3%	Free (BH, CA, CL, IL, JO, MX, OM, P, PE, SG) 8% (AU) See 9912.61.01– 9912.61.02 (MA)	90%
	6104.62.20	Other .....	14.9%	Free (BH, CA, CL, JO, IL, MX, OM, P, PE, SG) 8% (AU) See 9912.61.01, 9912.61.03 (MA)	90%
					”.

(14) By striking subheadings 6104.63.10 through 6104.63.20 and inserting the following, with the article description for subheading 6104.63.05 having the same degree of indentation as the article description for subheading 6104.63.10 (as in effect on the day before the date of the enactment of this Act):

“	6104.63.05	Recreational performance outerwear .....	Free		72%
		Other:			

6104.63.10	Bib and brace overalls .....	14.9%	Free (BH, CA, CL, IL, JO, MX, OM, P, PE, SG) 8% (AU) See 9912.61.05– 9912.61.06 (MA)	72%	
6104.63.15	Other: Containing 23 percent or more by weight of wool or fine animal hair .....	14.9%	Free (BH, CA, CL, IL, JO, MX, OM, P, PE, SG) 8% (AU) See 9912.61.05– 9912.61.06 (MA)	54.5%	
6104.63.20	Other .....	28.2%	Free (BH, CA, CL, IL, JO, MX, OM, P, PE, SG) 8% (AU) See 9912.61.05, 9912.61.07 (MA)	72%	”.

(15) By striking subheadings 6104.69 through 6104.69.80 and inserting the following, with the article description for subheading 6104.69 having the same degree of indentation as the article description for subheading 6104.69 (as in effect on the day before the date of the enactment of this Act):

“	6104.69	Of other textile materials: Of artificial fibers:				
	6104.69.05	Recreational performance outerwear .....	Free		72%	
	6104.69.10	Other: Bib and brace overalls .....	13.6%	Free (BH, CA, CL, IL, JO, MA, MX, OM, P, PE, SG) 8% (AU)	72%	
	6104.69.20	Trousers, breeches and shorts .....	28.2%	Free (BH, CA, CL, IL, JO, MA, MX, OM, P, PE, SG) 8% (AU)	72%	
	6104.69.40	Containing 70 percent or more by weight of silk or silk waste .....	0.9%	Free (AU, BH, CA, CL, E, IL, J, JO, MA, MX, OM, P, PE, SG)	60%	
	6104.69.80	Other .....	5.6%	Free (BH, CA, CL, E*, IL, JO, MA, MX, OM, P, PE, SG) 5% (AU)	60%	”.

(16) By striking subheadings 6112.20.10 and 6112.20.20 and inserting the following, with the article description for subheading 6112.20.05 having the same degree of indentation as the article description for subheading 6112.20.10 (as in effect on the day before the date of the enactment of this Act):

“	6112.20.05	Recreational performance outerwear .....	Free		72%	
	6112.20.10	Other: Of man-made fibers .....	28.2%	Free (BH, CA, CL, IL, JO, MA, MX, OM, P, PE, SG) 8% (AU)	72%	

6112.20.20	Other .....	8.3%	Free (BH, CA, CL, E*, IL, JO, MA, MX,OM, P, PE, SG) 7.4% (AU)	90%	”.
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(17) By striking subheadings 6113.00.10 and 6113.00.90 and inserting the following, with the article description for subheading 6113.00.05 having the same degree of indentation as the article description for subheading 6113.00.10 (as in effect on the day before the date of the enactment of this Act):

6113.00.05	Recreational performance outerwear .....	Free		65%	
6113.00.10	Other: Having an outer surface impregnated, coated, covered, or laminated with rubber or plastics material which completely obscures the underlying fabric	3.8%	Free (AU, BH, CA, CL, E,IL, JO, MA, MX, OM, P, PE, SG)	65%	
6113.00.90	Other .....	7.1%	Free (AU, BH, CA, CL, E*, IL, JO, MA, MX, OM, P, PE, SG)	65%	”.

(18) By striking subheading 6114.20.00 and inserting the following, with the article description for subheading 6114.20 having the same degree of indentation as the article description for subheading 6114.20.00 (as in effect on the day before the date of the enactment of this Act):

6114.20	Of cotton:				
6114.20.05	Recreational performance outerwear .....	Free		90%	
6114.20.10	Other .....	10.8%	Free (BH, CA, CL, IL, JO, MA, MX, P, PE, SG) 8% (AU) 4.3% (OM)	90%	”.

(19) By striking subheadings 6114.30.10 through 6114.30.30 and inserting the following, with the article description for subheading 6114.30.05 having the same degree of indentation as the article description for subheading 6114.30.10 (as in effect on the day before the date of the enactment of this Act):

6114.30.05	Recreational performance outerwear .....	Free		90%	
6114.30.10	Other: Tops .....	28.2%	Free (BH, CA, CL, IL, JO, MA, MX,OM, P, PE, SG) 8% (AU)	90%	
6114.30.20	Bodysuits and bodyshirts .....	32%	Free (BH, CA, CL, IL, JO, MA, MX, OM, P, PE, SG) 8% (AU)	90%	
6114.30.30	Other .....	14.9%	Free (BH, CA, CL, IL, JO, MA, MX, OM, P, PE, SG) 8% (AU)	90%	”.

(20) By striking subheadings 6114.90.05 through 6114.90.90 and inserting the following, with the article description for subheading 6114.90.01 having the same degree of indentation as the article description for subheading 6114.90.05 (as in effect on the day before the date of the enactment of this Act):

6114.90.01	Recreational performance outerwear .....	Free		90%	
6114.90.05	Other: Of wool or fine animal hair .....	12%	Free (BH, CA, CL, IL, JO, MA, MX, P, PE, SG) 8% (AU) 8.4% (OM)	90%	



6114.90.10	Containing 70 percent or more by weight of silk or silk waste .....	0.9%	Free (AU, BH, CA, CL, E, IL, J, JO, MA, MX, OM, P, PE, SG)	60%	
6114.90.90	Other .....	5.6%	Free (BH, CA, CL, E*, IL, JO, MA, MX, OM, P, PE, SG)	60%	..
			5% (AU)	60%	

#### SEC. 4. APPAREL ARTICLES AND ACCESSORIES OF OTHER MATERIALS, NOT KNITTED OR CROCHETED.

(a) NOTES.—The Additional U.S. Notes to chapter 62 of the Harmonized Tariff Schedule of the United States are amended—

(1) in Additional U.S. Note 2, by striking “For purposes of subheadings” and all that follows through “6211.20.15” and inserting “For purposes of this chapter”; and

(2) by adding at the end the following new notes:

“3.(a) For purposes of this chapter, the term ‘recreational performance outerwear’ means trousers (including, but not limited to, padding pants, ski or snowboard pants, and ski or snowboard pants intended for sale as parts of ski-suits), coveralls and bib overalls, and jackets (including, but not limited to, full zip jackets, paddling jackets, ski jackets, and ski jackets intended for sale as parts of ski-suits), windbreakers, and similar articles (including padded, sleeveless jackets), the outer surface of which is composed of non-knit, non-crocheted fabrics of cotton, wool, hemp, bamboo, silk, or manmade fiber, or a combination of such fibers, that are water-resistant, visibly coated, or both, with critically sealed seams, and with 5 or more of the following options:

“(i) Insulation for cold weather protection.  
“(ii) Pockets, at least one of which has a zippered, hook and loop, or other type of closure.

“(iii) Elastic, drawcord, or other means of tightening around the waist or leg hems, including hidden leg sleeves with a means of tightening at the ankle for trousers and tightening around the waist or bottom hem for jackets.

“(iv) Venting, not including grommet(s).

“(v) Articulated elbows or knees.

“(vi) Reinforcement in one of the following areas: the elbows, shoulders, seat, knees, ankles, or cuffs.

“(vii) Weatherproof closure at the waist or front.

“(viii) Multi-adjustable hood or adjustable collar.

“(ix) Adjustable powder skirt, inner protective skirt, or adjustable inner protective cuff at sleeve hem.

“(x) Construction at the arm gusset that utilizes fabric, design, or patterning to allow radial arm movement.

“(xi) Odor control technology.

The term ‘recreational performance outerwear’ does not include occupational outerwear.

“(b) For purposes of this Note, the following terms have the following meanings:

“(i) The term ‘water-resistant’ means that a garment must have a water resistance (see ASTM designations D 3779-81 and D 7017) such that, under a head pressure of 600 millimeters, not more than 1.0 gram of water penetrates after two minutes when tested in accordance with the current version of AATCC Test Method 35. The water resistance of the garment is the result of a rubber or plastics application to the outer shell, lining, or inner lining.

“(ii) The term ‘visibly coated’ refers to fabric that is impregnated, coated, covered, or laminated with plastics, such as fabrics described in Note 2 to chapter 59.

“(iii) The term ‘sealed seams’ means seams that have been covered by means of taping, gluing, bonding, cementing, fusing, welding, or a similar process so that water cannot pass through the seams when tested in accordance with the current version of AATCC Test Method 35.

“(iv) The term ‘critically sealed seams’ means seams that are sealed—

“(A) for jackets, at the front and back yokes, or at the shoulders, arm holes, or both, where applicable; and

“(B) for trousers, at the front (up to the zipper or other means of closure) and back rise.

“(v) The term ‘insulation for cold weather protection’ means insulation with either synthetic fill, down, a laminated thermal backing, or other lining for thermal protection from cold weather.

“(vi) The term ‘venting’ refers to closeable or permanent constructed openings in a garment (excluding front, primary zipper closures and grommet(s)) to allow increased expulsion of built-up heat during outdoor activities. In a jacket, such openings are often positioned on the underarm seam of a garment but may also be placed along other seams in the front or back of a garment. In trousers, such openings are often positioned on the inner or outer leg seams of a garment but may also be placed along other seams in the front or back of a garment.

“(vii) The term ‘articulated elbows or knees’ refers to the construction of a sleeve (or pant leg) to allow improved mobility at the elbow (or knee) through the use of extra seams, darts, gussets, or other means.

“(viii) The term ‘reinforcement’ refers to the use of a double layer of fabric or section(s) of fabric that is abrasion-resistant or otherwise more durable than the face fabric of the garment.

“(ix) The term ‘weatherproof closure’ means a closure (including, but not limited to, laminated or coated zippers, storm flaps,

or other weatherproof construction) that has been reinforced or engineered in a manner to reduce the penetration or absorption of moisture or air through an opening in the garment.

“(x) The term ‘multi-adjustable hood or adjustable collar’ means a draw cord, adjustment tab, or elastic incorporated into the hood or collar construction to allow volume adjustments around a helmet, the crown of the head, neck, or face.

“(xi) The terms ‘adjustable powder skirt’ and ‘inner protective skirt’ refer to a partial lower inner lining with means of tightening around the waist for additional protection from the elements.

“(xii) The term ‘arm gusset’ means construction at the arm of a gusset that utilizes an extra fabric piece in the under arm usually diamond- or triangular-shaped, design, or pattern to allow radial arm movement.

“(xiii) The term ‘radial arm movement’ refers to unrestricted, 180-degree range of motion for the arm while wearing performance outerwear.

“(xiv) The term ‘odor control technology’ means an additive in a fabric or garment capable of adsorbing, absorbing, or reacting with human odors, or effective in reducing odor-causing bacteria, including but not limited to activated carbon, silver, copper, or any combination thereof.

“(xv) The term ‘occupational outerwear’ means outerwear garments, including uniforms, designed or marketed for use in the workplace or at a worksite to provide durable protection from cold or inclement weather and/or workplace hazards, such as fire, electrical, abrasion, or chemical hazards, or impacts, cuts, punctures, or similar hazards.

“4. For purposes of this chapter, the importer of record shall specify upon entry whether garments claimed as ‘recreational performance outerwear’ have an outer surface that is water-resistant, visibly coated, or a combination thereof, and shall further enumerate the specific features that make the garments eligible to be classified as recreational performance outerwear.”.

(b) TARIFF CLASSIFICATIONS.—Chapter 62 of the Harmonized Tariff Schedule of the United States is amended as follows:

(1) By striking subheading 6201.11.00 and inserting the following, with the article description for subheading 6201.11 having the same degree of indentation as the article description for subheading 6201.11.00 (as in effect on the day before the date of the enactment of this Act):

“	6201.11	Of wool or fine animal hair:			
	6201.11.05	Recreational performance outerwear .....	Free		52.9¢/kg + 58.5%
	6201.11.10	Other .....	41¢/kg + 16.3%	Free (BH, CA, CL, IL, JO, MA, MX, P, PE, SG)	
				8% (AU)	
				28.7¢/kg + 11.4% (OM)	52.9¢/kg + 58.5%
					..

(2) By striking subheadings 6201.12.10 and 6201.12.20 and inserting the following, with the article description for subheading 6201.12.05 having the same degree of indentation as the article description for subheading 6201.12.10 (as in effect on the day before the date of the enactment of this Act):

“	6201.12.05	Recreational performance outerwear .....	Free		60%	
		Other:				
	6201.12.10	Containing 15 percent or more by weight of down and waterfowl plumage and of which down comprises 35 percent or more by weight; containing 10 percent or more by weight of down .....	4.4%	Free (BH, CA, CL, IL, JO, MA, MX, OM, P, PE, SG) 3.9% (AU)	60%	
	6201.12.20	Other .....	9.4%	Free (BH, CA, CL, IL, JO, MA, MX, OM, P, PE, SG) 8% (AU)	90%	”.

(3) By striking subheadings 6201.13.10 through 6201.13.40 and inserting the following, with the article description for subheading 6201.13.05 having the same degree of indentation as the article description for subheading 6201.13.10 (as in effect on the day before the date of the enactment of this Act):

“	6201.13.05	Recreational performance outerwear .....	Free		60%	
		Other:				
	6201.13.10	Containing 15 percent or more by weight of down and waterfowl plumage and of which down comprises 35 percent or more by weight; containing 10 percent or more by weight of down .....	4.4%	Free (BH, CA, CL, IL, JO, MX, OM, P, PE, SG) 0.4% (MA) 3.9% (AU)	60%	
		Other:				
	6201.13.30	Containing 36 percent or more by weight of wool or fine animal hair ...	49.7¢/kg + 19.7%	Free (BH, CA, CL, IL, JO, MA, MX, OM, P, PE, SG) 8% (AU)	52.9¢/kg + 58.5%	
	6201.13.40	Other .....	27.7%	Free (BH, CA, CL, IL, JO, MA, MX, OM, P, PE, SG) 8% (AU)	90%	”.

(4) By striking subheadings 6201.19.10 and 6201.19.90 and inserting the following, with the article description for subheading 6201.19.05 having the same degree of indentation as the article description for subheading 6201.19.10 (as in effect on the day before the date of the enactment of this Act):

“	6201.19.05	Recreational performance outerwear .....	Free		35%	
		Other:				
	6201.19.10	Containing 70 percent or more by weight of silk or silk waste .....	Free		35%	
	6201.19.90	Other .....	2.8%	Free (AU, BH, CA, CL, E*, IL, JO, MA, MX, OM, P, PE, SG)	35%	”.

(5) By striking subheadings 6201.91.10 and 6201.91.20 and inserting the following, with the article description for subheading 6201.91.05 having the same degree of indentation as the article description for subheading 6201.91.10 (as in effect on the day before the date of the enactment of this Act):

“	6201.91.05	Recreational performance outerwear .....	Free		58.5%	
		Other:				
	6201.91.10	Padded, sleeveless jackets .....	8.5%	Free (BH, CA, CL, IL, JO, MA, MX, P, PE, SG) 7.6% (AU) 5.9% (OM)	58.5%	

6201.91.20	Other .....	49.7¢/kg + 19.7%	Free (BH, CA, CL, IL, JO, MA, MX, P, PE, SG) 8% (AU) 34.7¢/kg + 13.7% (OM)	52.9¢/kg + 58.5%	”.
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(6) By striking subheadings 6201.92.10 through 6201.92.20 and inserting the following, with the article description for subheading 6201.92.05 having the same degree of indentation as the article description for subheading 6201.92.10 (as in effect on the day before the date of the enactment of this Act):

6201.92.05	Recreational performance outerwear .....	Free		60%	
	Other:				
6201.92.10	Containing 15 percent or more by weight of down and waterfowl plumage and of which down comprises 35 percent or more by weight; containing 10 percent or more by weight of down .....	4.4%	Free (BH, CA, CL, IL, JO, MX, OM, P, PE, SG) 3.9% (AU) See 9912.62.00– 9912.62.01 (MA)	60%	
	Other:				
6201.92.15	Water resistant .....	6.2%	Free (BH, CA, CL, IL, JO, MX, OM, P, PE, SG) 5.5% (AU) See 9912.62.00, 9912.62.02 (MA)	37.5%	
	Other:				
6201.92.20	Other .....	9.4%	Free (BH, CA, CL, IL, JO, MX, OM, P, PE, SG) 8% (AU) See 9912.62.00, 9912.62.03 (MA)	90%	”.

(7) By striking subheadings 6201.93.10 through 6201.93.35 and inserting the following, with the article description for subheading 6201.93.05 having the same degree of indentation as the article description for subheading 6201.93.10 (as in effect on the day before the date of the enactment of this Act):

6201.93.05	Recreational performance outerwear .....	Free		60%	
	Other:				
6201.93.10	Containing 15 percent or more by weight of down and waterfowl plumage and of which down comprises 35 percent or more by weight; containing 10 percent or more by weight of down .....	4.4%	Free (BH, CA, CL, IL, JO, MX, OM, P, PE, SG) 3.9% (AU) See 9912.62.04– 9912.62.05 (MA)	60%	
	Other:				
6201.93.20	Padded, sleeveless jackets .....	14.9%	Free (BH, CA, CL, IL, JO, MX, OM, P, PE, SG) 8% (AU) See 9912.62.04, 9912.62.06 (MA)	76%	
	Other:				

6201.93.25	Containing 36 percent or more by weight of wool or fine animal hair	49.5¢/kg + 19.6%	Free (BH, CA, CL, IL, JO, MX, OM, P, PE, SG) 8% (AU) See 9912.62.04, 9912.62.07 (MA)	52.9¢/kg + 58.5%	
6201.93.30	Other: Water resistant .....	7.1%	Free (BH, CA, CL, IL, JO, MX, OM, P, PE, SG) 6.3% (AU) See 9912.62.04, 9912.62.08 (MA)	65%	
6201.93.35	Other .....	27.7%	Free (BH, CA, CL, IL, JO, MX, OM, P, PE, SG) 8% (AU) See 9912.62.04, 9912.62.09 (MA)	90%	”.

(8) By striking subheadings 6201.99.10 and 6201.99.90 and inserting the following, with the article description for subheading 6201.99.05 having the same degree of indentation as the article description for subheading 6201.99.10 (as in effect on the day before the date of the enactment of this Act):

6201.99.05	Recreational performance outerwear .....	Free		35%	
	Other:				
6201.99.10	Containing 70 percent or more by weight of silk or silk waste .....	Free		35%	
6201.99.90	Other .....	4.2%	Free (BH, CA, CL, E*, IL, JO, MA, MX, OM, P, PE, SG) 3.7% (AU)	35%	”.

(9) By striking subheading 6202.11.00 and inserting the following, with the article description for subheading 6202.11 having the same degree of indentation as the article description for subheading 6202.11.00 (as in effect on the day before the date of the enactment of this Act):

6202.11	Of wool or fine animal hair:				
6202.11.05	Recreational performance outerwear .....	Free		46.3¢/kg + 58.5%	
6202.11.10	Other .....	41¢/kg + 16.3%	Free (BH, CA, CL, IL, JO, MA, MX, P, PE, SG) 8% (AU) 28.7¢/kg + 11.4% (OM)	46.3¢/kg + 58.5%	”.

(10) By striking subheadings 6202.12.10 and 6202.12.20 and inserting the following, with the article description for subheading 6202.12.05 having the same degree of indentation as the article description for subheading 6202.12.10 (as in effect on the day before the date of the enactment of this Act):

6202.12.05	Recreational performance outerwear .....	Free		60%	
	Other:				
6202.12.10	Containing 15 percent or more by weight of down and waterfowl plumage and of which down comprises 35 percent or more by weight; containing 10 percent or more by weight of down .....	4.4%	Free (BH, CA, CL, IL, JO, MA, MX, OM, P, PE, SG) 3.9% (AU)	60%	

6202.12.20	Other .....	8.9%	Free (BH, CA, CL, IL, JO, MX, OM, P, PE, SG) 1.8% (MA) 8% (AU)	90%	”.
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(11) By striking subheadings 6202.13.10 through 6202.13.40 and inserting the following, with the article description for subheading 6202.13.05 having the same degree of indentation as the article description for subheading 6202.13.10 (as in effect on the day before the date of the enactment of this Act):

6202.13.05	Recreational performance outerwear .....	Free		60%	
	Other:				
6202.13.10	Containing 15 percent or more by weight of down and waterfowl plumage and of which down comprises 35 percent or more by weight; containing 10 percent or more by weight of down .....	4.4%	Free (BH, CA, CL, IL, JO, MA, MX, OM, P, PE, SG) 3.9% (AU)	60%	
	Other:				
6202.13.30	Containing 36 percent or more by weight of wool or fine animal hair ...	43.5¢/kg + 19.7%	Free (BH, CA, CL, IL, JO, MA, MX, OM, P, PE, SG) 8% (AU)	46.3¢/kg + 58.5%	
6202.13.40	Other .....	27.7%	Free (BH, CA, CL, IL, JO, MA, MX, OM, P, PE, SG) 8% (AU)	90%	”.

(12) By striking subheadings 6202.19.10 and 6202.19.90 and inserting the following, with the article description for subheading 6202.19.05 having the same degree of indentation as the article description for subheading 6202.19.10 (as in effect on the day before the date of the enactment of this Act):

6202.19.05	Recreational performance outerwear .....	Free		35%	
	Other:				
6202.19.10	Containing 70 percent or more by weight or silk or silk waste .....	Free		35%	
6202.19.90	Other .....	2.8%	Free (AU, BH, CA, CL, E*, IL, JO, MA, MX, OM, P, PE, SG)	35%	”.

(13) By striking subheadings 6202.91.10 and 6202.91.20 and inserting the following, with the article description for subheading 6202.91.05 having the same degree of indentation as the article description for subheading 6202.91.10 (as in effect on the day before the date of the enactment of this Act):

6202.91.05	Recreational performance outerwear .....	Free		58.5%	
	Other:				
6202.91.10	Padded, sleeveless jackets .....	14%	Free (BH, CA, CL, IL, JO, MA, MX, P, PE, SG) 8% (AU) 9.8% (OM)	58.5%	
6202.91.20	Other .....	36¢/kg + 16.3%	Free (BH, CA, CL, IL, JO, MA, MX, P, PE, SG) 8% (AU) 25.2¢/kg + 11.4% (OM)	46.3¢/kg + 58.5%	”.

(14) By striking subheadings 6202.92.10 through 6202.92.20 and inserting the following, with the article description for subheading 6202.92.05 having the same degree of indentation as the article description for subheading 6202.92.10 (as in effect on the day before the date of the enactment of this Act):

6202.92.05	Recreational performance outerwear .....	Free		60%	
	Other:				

6202.92.10	Containing 15 percent or more by weight of down and waterfowl plumage and of which down comprises 35 percent or more by weight; containing 10 percent or more by weight of down .....	4.4%	Free (BH, CA, CL, IL, JO, MX, OM, P, PE, SG) 3.9% (AU) See 9912.62.10– 9912.62.11 (MA)	60%	
6202.92.15	Other: Water resistant .....	6.2%	Free (BH, CA, CL, IL, JO, MX, OM, P, PE, SG) 5.5% (AU) See 9912.62.10, 9912.62.12 (MA)	37.5%	
6202.92.20	Other .....	8.9%	Free (BH, CA, CL, IL, JO, MX, OM, P, PE, SG) 8% (AU) See 9912.62.10, 9912.62.13 (MA)	90%	”.

(15) By striking subheadings 6202.93.10 through 6202.93.50 and inserting the following, with the article description for subheading 6202.93.05 having the same degree of indentation as the article description for subheading 6202.93.10 (as in effect on the day before the date of the enactment of this Act):

6202.93.05	Recreational performance outerwear .....	Free		60%	
6202.93.10	Other: Containing 15 percent or more by weight of down and waterfowl plumage and of which down comprises 35 percent or more by weight; containing 10 percent or more by weight of down .....	4.4%	Free (BH, CA, CL, IL, JO, MA, MX, OM, P, PE, SG) 3.9% (AU)	60%	
6202.93.20	Other: Padded, sleeveless jackets .....	14.9%	Free (BH, CA, CL, IL, JO, MA, MX, OM, P, PE, SG) 8% (AU)	76%	
6202.93.40	Other: Containing 36 percent or more by weight of wool or fine animal hair .....	43.4¢/kg + 19.7%	Free (BH, CA, CL, IL, JO, MA, MX, OM, P, PE, SG) 8% (AU)	46.3¢/kg + 58.5%	
6202.93.45	Other: Water resistant .....	7.1%	Free (BH, CA, CL, IL, JO, MA, MX, OM, P, PE, SG) 6.3% (AU)	65%	
6202.93.50	Other .....	27.7%	Free (BH, CA, CL, IL, JO, MA, MX, OM, P, PE, SG) 8% (AU)	90%	”.

(16) By striking subheadings 6202.99.10 and 6202.99.90 and inserting the following, with the article description for subheading 6202.99.05 having the same degree of indentation as the article description for subheading 6202.99.10 (as in effect on the day before the date of the enactment of this Act):



“	6202.99.05	Recreational performance outerwear .....	Free		35%	
		Other:				
	6202.99.10	Containing 70 percent or more by weight or silk or silk waste .....	Free		35%	
	6202.99.90	Other .....	2.8%	Free (AU, BH, CA, CL, E*, IL, JO, MA, MX, OM, P, PE, SG)	35%	”.

(17) By striking subheadings 6203.41 and 6203.41.05 and inserting the following, with the article description for subheadings 6203.41 having the same degree of indentation as the article description for subheading 6203.41 (as in effect on the day before the date of the enactment of this Act):

“	6203.41	Of wool or fine animal hair:				
	6203.41.05	Recreational performance outerwear .....	Free		52.9¢/kg + 58.5%	
		Trousers, breeches, and shorts:				
	6203.41.10	Trousers, breeches, or shorts containing elastomeric fiber, water resistant, without beltloops, weighing more than 9 kg per dozen .....	7.6%	Free (BH, CA, CL, IL, JO, MA, MX, P, PE, SG) 6.8% (AU) 5.3% (OM)	52.9¢/kg + 58.5%	”.

(18) By striking subheadings 6203.42.10 through 6203.42.40 and inserting the following, with the article description for subheading 6203.42.05 having the same degree of indentation as the article description for subheading 6203.42.10 (as in effect on the day before the date of the enactment of this Act):

“	6203.42.05	Recreational performance outerwear .....	Free		60%	
		Other:				
	6203.42.10	Containing 15 percent or more by weight of down and waterfowl plumage and of which down comprises 35 percent or more by weight; containing 10 percent or more by weight of down .....	Free		60%	
		Other:				
	6203.42.20	Bib and brace overalls .....	10.3%	Free (BH, CA, CL, IL, JO, MX, OM, P, PE, SG) 8% (AU) See 9912.62.22– 9912.62.23 (MA)	90%	
	6203.42.40	Other .....	16.6%	Free (BH, CA, CL, IL, JO, MX, OM, P, PE, SG) 8% (AU) See 9912.62.22, 9912.62.24 (MA)	90%	”.

(19) By striking subheadings 6203.43.10 through 6203.43.40 and inserting the following, with the article description for subheading 6203.43.05 having the same degree of indentation as the article description for subheading 6203.43.10 (as in effect on the day before the date of the enactment of this Act):

“	6203.43.05	Recreational performance outerwear .....	Free		60%	
		Other:				
	6203.43.10	Containing 15 percent or more by weight of down and waterfowl plumage and of which down comprises 35 percent or more by weight; containing 10 percent or more by weight of down .....	Free		60%	
		Other:				
	6203.43.15	Bib and brace overalls: Water resistant .....	7.1%	Free (BH, CA, CL, IL, JO, MX, OM, P, PE, SG) 6.3% (AU) See 9912.62.25– 9912.62.26 (MA)	65%	

6203.43.20	Other .....	14.9%	Free (BH, CA, CL, IL, JO, MX, OM, P, PE, SG) 8% (AU) See 9912.62.25, 9912.62.27 (MA)	76%
6203.43.25	Other: Certified hand-loomed and folklore products .....	12.2%	Free (BH, CA, CL, IL, JO, MX, OM, P, PE, SG) 8% (AU) See 9912.62.25, 9912.62.28 (MA)	76%
6203.43.30	Other: Containing 36 percent or more by weight of wool or fine animal hair .....	49.6¢/kg + 19.7%	Free (BH, CA, CL, IL, JO, MX, OM, P, PE, SG) 8% (AU) See 9912.62.25, 9912.62.29 (MA)	52.9¢/kg + 58.5%
6203.43.35	Other: Water resistant trousers or breeches .....	7.1%	Free (BH, CA, CL, IL, JO, MX, P, PE, SG) 6.3% (AU) See 9912.62.25– 9912.62.26 (MA)	65%
6203.43.40	Other .....	27.9%	Free (BH, CA, CL, IL, JO, MX, OM, P, PE, SG) 8% (AU) See 9912.62.25, 9912.62.30 (MA)	90%

(20) By striking subheadings 6203.49 through 6203.49.80 and inserting the following, with the article description for subheading 6203.49 having the same degree of indentation as the article description for subheading 6203.49 (as in effect on the day before the date of the enactment of this Act):

6203.49	Of other textile materials:			
6203.49.05	Recreational performance outerwear .....	Free		76%
	Other:			
	Of artificial fibers:			
6203.49.10	Bib and brace overalls .....	8.5%	Free (BH, CA, CL, IL, JO, MA, MX, OM, P, PE, SG) 7.6% (AU)	76%
	Trousers, breeches and shorts:			
6203.49.15	Certified hand-loomed and folklore products .....	12.2%	Free (BH, CA, CL, IL, JO, MA, MX, OM, P, PE, SG) 8% (AU)	76%

6203.49.20	Other .....	27.9%	Free (BH, CA, CL, IL, JO, MA, MX, OM, P, PE, SG) 8% (AU)	90%	
6203.49.40	Containing 70 percent or more by weight of silk or silk waste .....	Free		35%	
6203.49.80	Other .....	2.8%	Free (AU, BH, CA, CL, E*, IL, JO, MA, MX, OM, P, PE, SG)	35%	”.

(21) By striking subheadings 6204.61.10 and 6204.61.90 and inserting the following, with the article description for subheading 6204.61.05 having the same degree of indentation as the article description for subheading 6204.61.10 (as in effect on the day before the date of the enactment of this Act):

“	6204.61.05	Recreational performance outerwear .....	Free		58.5%	
		Other:				
	6204.61.10	Trousers and breeches, containing elastomeric fiber, water resistant, without belt loops, weighing more than 6 kg per dozen .....	7.6%	Free (BH, CA, CL, IL, JO, MX, P, PE, SG) 5.3% (OM) 6.8% (AU) See 9912.62.57– 9912.62.58 (MA)	58.5%	
	6204.61.90	Other .....	13.6%	Free (BH, CA, CL, IL, JO, MX, P, PE, SG) 9.5% (OM) 8% (AU) See 9912.62.57, 9912.62.59 (MA)	58.5%	”.

(22) By striking subheadings 6204.62.10 through 6204.62.40 and inserting the following, with the article description for subheading 6204.62.05 having the same degree of indentation as the article description for subheading 6204.62.10 (as in effect on the day before the date of the enactment of this Act):

“	6204.62.05	Recreational performance outerwear .....	Free		60%	
		Other:				
	6204.62.10	Containing 15 percent or more by weight of down and waterfowl plumage and of which down comprises 35 percent or more by weight; containing 10 percent or more by weight of down .....	Free		60%	
		Other:				
	6204.62.20	Bib and brace overalls .....	8.9%	Free (BH, CA, CL, IL, JO, MX, OM, P, PE, SG) 8% (AU) See 9912.62.60– 9912.62.61 (MA)	90%	
		Other:				
	6204.62.30	Certified hand-loomed and folklore products .....	7.1%	Free (BH, CA, CL, E, IL, JO, MX, OM, P, PE, SG) 6.3% (AU) See 9912.62.60, 9912.62.62 (MA)	37.5%	

6204.62.40	Other .....	16.6%	Free (BH, CA, CL, IL, JO, MX, OM, P, PE, SG) 8% (AU) See 9912.62.60, 9912.62.63 (MA)	90%	”.
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(23) By striking subheadings 6204.63.10 through 6204.63.35 and inserting the following, with the article description for subheading 6204.63.05 having the same degree of indentation as the article description for subheading 6204.63.10 (as in effect on the day before the date of the enactment of this Act):

6204.63.05	Recreational performance outerwear .....	Free		60%	
6204.63.10	Other: Containing 15 percent or more by weight of down and waterfowl plumage and of which down comprises 35 percent or more by weight; containing 10 percent or more by weight of down .....	Free		60%	
6204.63.12	Other: Bib and brace overalls: Water resistant .....	7.1%	Free (BH, CA, CL, IL, JO, MX, OM, P, PE, SG) 6.3% (AU) See 9912.62.64– 9912.62.65 (MA)	65%	
6204.63.15	Other .....	14.9%	Free (BH, CA, CL, IL, JO, MX, OM, P, PE, SG) 8% (AU) See 9912.62.64, 9912.62.66 (MA)	76%	
6204.63.20	Other: Certified hand-loomed and folklore products .....	11.3%	Free (BH, CA, CL, E, IL, JO, MX, OM, P, PE, SG) 8% (AU) See 9912.62.64, 9912.62.67 (MA)	76%	
6204.63.25	Other: Containing 36 percent or more by weight of wool or fine animal hair ...	13.6%	Free (BH, CA, CL, IL, JO, MX, OM, P, PE, SG) 8% (AU) See 9912.62.64, 9912.62.68 (MA)	58.5%	
6204.63.30	Other: Water resistant trousers or breeches .....	7.1%	Free (BH, CA, CL, IL, JO, MX, OM, P, PE, SG) 6.3% (AU) See 9912.62.64– 9912.62.65 (MA)	65%	

6204.63.35	Other .....	28.6%	Free (BH, CA, CL, IL, JO, MX, OM, P, PE, SG) 8% (AU) See 9912.62.64, 9912.62.69 (MA)	90%	”.
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(24) By striking subheadings 6204.69 through 6204.69.90 and inserting the following, with the article description for subheading 6204.69 having the same degree of indentation as the article description for subheading 6204.69 (as in effect on the day before the date of the enactment of this Act):

“	6204.69	Of other textile materials:			
	6204.69.05	Recreational performance outerwear .....	Free		76%
		Other:			
		Of artificial fibers:			
	6204.69.10	Bib and brace overalls .....	13.6%	Free (BH, CA, CL, IL, JO, MX, OM, P, PE, SG) 8% (AU) See 9912.62.70– 9912.62.71 (MA)	76%
		Trousers, breeches and shorts:			
	6204.69.20	Containing 36 percent or more by weight of wool or fine animal hair ...	13.6%	Free (BH, CA, CL, IL, JO, MX, OM, P, PE, SG) 8% (AU) See 9912.62.70– 9912.62.71 (MA)	58.5%
	6204.69.25	Other .....	28.6%	Free (BH, CA, CL, IL, JO, MX, OM, P, PE, SG) 8% (AU) See 9912.62.70, 9912.62.72 (MA)	90%
		Of silk or silk waste:			
	6204.69.40	Containing 70 percent or more by weight of silk waste .....	1.1%	Free (AU, BH, CA, CL, E, IL, J, JO, MX, OM, P, PE, SG) See 9912.62.70, 9912.62.73 (MA)	65%
	6204.69.60	Other .....	7.1%	Free (BH, CA, CL, E*, IL, JO, MX, OM, P, PE, SG) 6.3% (AU) See 9912.62.70, 9912.62.74 (MA)	65%

6204.69.90	Other .....	2.8%	Free (AU, BH, CA, CL, E*, IL, JO, MX, OM, P, PE, SG) See 9912.62.70, 9912.62.75 (MA)	35%	”.
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(25) By striking subheading 6211.32.00 and inserting the following, with the article description for subheading 6211.32 having the same degree of indentation as the article description for subheading 6211.32.00 (as in effect on the day before the date of the enactment of this Act):

“	6211.32	Of cotton:				
	6211.32.05	Recreational performance outerwear .....	Free		90%	
	6211.32.10	Other .....	8.1%	Free (AU, BH, CA, CL, IL, JO, MA, MX, P, PE, SG) 3.2% (OM)	90%	”.

(26) By striking subheading 6211.33.00 and inserting the following, with the article description for subheading 6211.33 having the same degree of indentation as the article description for subheading 6211.33.00 (as in effect on the day before the date of the enactment of this Act):

“	6211.33	Of man-made fibers:				
	6211.33.05	Recreational performance outerwear .....	Free		76%	
	6211.33.10	Other .....	16%	Free (AU, BH, CA, CL, IL, JO, MX, P, PE, SG) 11.2% (OM) See 9912.62.99– 9912.63.00 (MA)	76%	”.

(27) By striking subheadings 6211.39 and 6211.39.05 and inserting the following, with the article description for subheading 6211.39 having the same degree of indentation as the article description for subheading 6211.39 (as in effect on the day before the date of the enactment of this Act):

“	6211.39	Of other textile materials:				
	6211.39.04	Recreational performance outerwear .....	Free		58.5%	
	6211.39.08	Of wool or fine animal hair .....	12%	Free (AU, BH, CA, CL, IL, JO, MA, MX, P, PE, SG) 8.4% (OM)	58.5%	”.

(28) By striking subheading 6211.41.00 and inserting the following, with the article description for subheading 6211.41 having the same degree of indentation as the article description for subheading 6211.41.00 (as in effect on the day before the date of the enactment of this Act):

“	6211.41	Of wool or fine animal hair:				
	6211.41.05	Recreational performance outerwear .....	Free		58.5%	
	6211.41.10	Other .....	12%	Free (BH, CA, CL, IL, JO, MA, MX, P, PE, SG) 8% (AU) 8.4% (OM)	58.5%	”.

(29) By striking subheading 6211.42.00 and inserting the following, with the article description for subheading 6211.42 having the same degree of indentation as the article description for subheading 6211.42.00 (as in effect on the day before the date of the enactment of this Act):

“	6211.42	Of cotton:				
	6211.42.05	Recreational performance outerwear .....	Free		90%	
	6211.42.10	Other .....	8.1%	Free (BH, CA, CL, IL, JO, MX, P, PE, SG) 3.2% (OM) 7.2% (AU) See 9912.63.01– 9912.63.02 (MA)	90%	”.

(30) By striking subheading 6211.43.00 and inserting the following, with the article description for subheading 6211.43 having the same degree of indentation as the article description for subheading 6211.43.00 (as in effect on the day before the date of the enactment of this Act):



“	6211.43	Of man-made fibers:				
	6211.43.05	Recreational performance outerwear .....	Free			
	6211.43.10	Other .....	16%	Free (BH, CA, CL, IL, JO, MA, MX, P, PE, SG) 8% (AU) 11.2% (OM)	90%	”.

(31) By striking subheadings 6211.49.10 and 6211.49.90 and inserting the following, with the article description for subheading 6211.49.05 having the same degree of indentation as the article description for subheading 6211.49.10 (as in effect on the day before the date of the enactment of this Act):

“	6211.49.05	Recreational performance outerwear .....	Free		35%	
		Other:				
	6211.49.10	Containing 70 percent or more by weight or silk or silk waste .....	1.2%	Free (AU, BH, CA, CL, E, IL, J, JO, MA, MX, OM, P, PE, SG)	35%	
	6211.49.90	Other .....	7.3%	Free (BH, CA, CL, E, IL, J, JO, MA, MX, OM, P, PE, SG) 6.5% (AU)	35%	”.

#### SEC. 05. SUSTAINABLE TEXTILE AND APPAREL RESEARCH FUND.

(a) ESTABLISHMENT.—There is established in the Treasury of the United States the Sustainable Textile and Apparel Research Fund (in this section referred to as the “STAR Fund”).

(b) DEPOSITS.—There shall be deposited into the STAR Fund amounts equal to the fees collected on recreational performance outerwear under subsection (d).

(c) BOARD OF DIRECTORS.—

(1) IN GENERAL.—The STAR Fund shall be administered by a board of directors (in this section referred to as the “Board”) composed of 5 individuals familiar with the recreational performance outerwear textile and apparel industry, including the production of raw materials and the finished products thereof, who shall be appointed by the President.

(2) MEMBERS.—Not fewer than 2 of the individuals appointed to the Board under paragraph (1) shall be representatives of entities involved in the production of fabrics or raw materials for use in recreational performance outerwear in the United States, and not fewer than 2 of such individuals shall be representatives of entities involved in the production of recreational performance outerwear that pay the fees imposed on the importation of such outerwear under subsection (d).

(3) INELIGIBLE INDIVIDUALS.—The President may not appoint individuals to the Board under paragraph (1) who are representatives of entities not involved in the production of recreational performance outerwear, such as customs brokers, converters, forwarders, or shippers.

(d) FUNDING.—

(1) FEE.—In addition to any other fee authorized by law, the Secretary of the Treasury shall charge and collect upon entry, or withdrawal from warehouse for consumption, a fee of 1.5 percent of the appraised value of imported garments (as determined under section 402 of the Tariff Act of 1930 (19 U.S.C. 1401a)) that are classifiable under the Harmonized Tariff Schedule of the United States as recreational performance outerwear (as defined in Additional U.S. Note 2 to chapter 61 and Additional U.S. Note 3 to chapter 62 of the Harmonized Tariff Schedule of the United States).

(2) EXCLUSIONS.—The assessment of fees under paragraph (1) shall not apply to imports of recreational performance outerwear from the following:

(A) Any country that is party to a free trade agreement with the United States that—

(i) is in effect on the day before the date of the enactment of this Act; or

(ii) enters into force under the Bipartisan Trade Promotion Authority Act of 2002 (19 U.S.C. 3801 et seq.), or similar subsequent authority.

(B) Any country designated as a CBTPA beneficiary country under section 213(b)(5)(B) of the Caribbean Basin Economic Recovery Act (19 U.S.C. 2703(b)(5)(B)).

(C) Any country designated as a beneficiary sub-Saharan African country under section 506A(a)(1) of the Trade Act of 1974 (19 U.S.C. 2466a(a)(1)), if the President has determined that the country has satisfied the requirements of section 113(a) of the African Growth and Opportunity Act (19 U.S.C. 3722(a)), and has published that determination in the Federal Register.

(D) Any country that was designated as an ATPDEA beneficiary country under section 204(b)(6)(B) of the Andean Trade Preference Act (19 U.S.C. 3203(b)(6)(B)) on February 12, 2011.

(3) TERMINATION.—The fee under paragraph (1) shall apply only to entries, or withdrawals from warehouse for consumption, that are made during the 10-year period beginning on the date of the enactment of this Act.

(e) DISTRIBUTION.—

(1) QUARTERLY DISTRIBUTIONS.—The Secretary of Commerce, upon a majority vote of the Board, taken annually, shall, not later than 60 days after the end of each calendar quarter, distribute amounts in the STAR Fund to one or more entities that the Board considers appropriate to use the funds in accordance with subsection (f).

(2) ELIGIBILITY REQUIREMENTS.—An entity may receive funds under paragraph (1) only if the entity—

(A) is an organization described in section 501(c)(6) of the Internal Revenue Code of 1986 that is exempt from tax under section 501(a) of such Code;

(B) is an organization having at least 10 years of experience providing applied re-

search, technology development, and education to all parts of the textile and apparel supply chain, with a research capability demonstrated through past research programs involving supply chain management, product development, fit specifications, operations management, lean manufacturing, or digital supply chain technologies on behalf of the textile and sewn products industries in the United States; and

(C) is comprised of members representing the following segments of the supply chain:

(i) One or more of the following types of producers: fiber, yarn, or fabric producers in the United States.

(ii) Apparel producers in the United States.

(iii) Retail companies in the United States.

(f) USE OF FUNDS.—Funds distributed under subsection (e) may be used only to conduct applied research, development, and education activities to enhance the competitiveness of businesses in the United States in clean, eco-friendly apparel, other textile and apparel articles, and sewn-product design and manufacturing.

(g) REQUIREMENTS.—The Secretary of Commerce may impose such requirements on the use of funds distributed under subsection (e) as the Secretary considers necessary to ensure compliance with subsection (f), including requiring reporting and assurances by the entities using the funds.

(h) REPORTS TO CONGRESS.—The Secretary of Commerce shall submit to Congress a report, not later than April 1 of each year, explaining in detail how amounts in the STAR Fund were distributed under subsection (e) and used under subsection (f) during the preceding calendar year.

#### SEC. 06. EFFECTIVE DATE.

This title and the amendments made by this title shall—

(1) take effect on the 15th day after the date of the enactment of this Act; and

(2) apply to articles entered, or withdrawn from warehouse for consumption, on or after such day.

**SA 715.** Mr. WYDEN (for himself, Ms. SNOWE, Mr. SCHUMER, Mr. PORTMAN, Mr. BLUNT, and Mrs. MCCASKILL) submitted an amendment intended to be proposed by him to the bill S. 1619, to provide for identification of misaligned

currency, require action to correct the misalignment, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

**TITLE —PREVENTION OF EVASION OF ANTIDUMPING AND COUNTERVAILING DUTY ORDERS**

**SECTION 01. SHORT TITLE; TABLE OF CONTENTS.**

(a) **SHORT TITLE.**—This title may be cited as the “Enforcing Orders and Reducing Customs Evasion Act of 2011”.

(b) **TABLE OF CONTENTS.**—The table of contents for this title is as follows:

Sec. 01. Short title; table of contents.

**Subtitle A—Procedures**

Sec. 11. Procedures for investigating claims of evasion of antidumping and countervailing duty orders.

Sec. 12. Application to Canada and Mexico.

**Subtitle B—Other Matters**

Sec. 21. Definitions.

Sec. 22. Allocation of U.S. Customs and Border Protection personnel.

Sec. 23. Regulations.

Sec. 24. Annual report on prevention of evasion of antidumping and countervailing duty orders.

Sec. 25. Government Accountability Office report on reliquidation authority.

**Subtitle A—Procedures**

**SEC. 11. PROCEDURES FOR INVESTIGATING CLAIMS OF EVASION OF ANTIDUMPING AND COUNTERVAILING DUTY ORDERS.**

(a) **IN GENERAL.**—The Tariff Act of 1930 is amended by inserting after section 516A (19 U.S.C. 1516a) the following:

**“SEC. 516B. PROCEDURES FOR INVESTIGATING CLAIMS OF EVASION OF ANTIDUMPING AND COUNTERVAILING DUTY ORDERS.**

“(a) **DEFINITIONS.**—In this section:

“(1) **ADMINISTERING AUTHORITY.**—The term ‘administering authority’ has the meaning given that term in section 771(1).

“(2) **APPROPRIATE CONGRESSIONAL COMMITTEES.**—The term ‘appropriate congressional committees’ means—

“(A) the Committee on Finance and the Committee on Appropriations of the Senate; and

“(B) the Committee on Ways and Means and the Committee on Appropriations of the House of Representatives.

“(3) **COMMISSIONER.**—The term ‘Commissioner’ means the Commissioner responsible for U.S. Customs and Border Protection.

“(4) **COVERED MERCHANDISE.**—The term ‘covered merchandise’ means merchandise that is subject to—

“(A) an antidumping duty order issued under section 736;

“(B) a finding issued under the Antidumping Act, 1921; or

“(C) a countervailing duty order issued under section 706.

“(5) **ENTER; ENTRY.**—The terms ‘enter’ and ‘entry’ refer to the entry, or withdrawal from warehouse for consumption, in the customs territory of the United States.

“(6) **EVAD; EVASION.**—The terms ‘evade’ and ‘evasion’ refer to entering covered merchandise into the customs territory of the United States by means of any document or electronically transmitted data or information, written or oral statement, or act that is material and false, or any omission that is material, and that results in any cash deposit or other security or any amount of applicable antidumping or countervailing du-

ties being reduced or not being applied with respect to the merchandise.

“(7) **INTERESTED PARTY.**—The term ‘interested party’ has the meaning given that term in section 771(9).

**“(b) PROCEDURES FOR INVESTIGATING ALLEGATIONS OF EVASION.—**

“(1) **INITIATION BY PETITION OR REFERRAL.—**

“(A) **IN GENERAL.**—Not later than 10 days after the date on which the Commissioner receives a petition described in subparagraph (B) or a referral described in subparagraph (C), the Commissioner shall initiate an investigation pursuant to this paragraph if the Commissioner determines that the information provided in the petition or the referral, as the case may be, is accurate and reasonably suggests that covered merchandise has been entered into the customs territory of the United States through evasion.

“(B) **PETITION DESCRIBED.**—A petition described in this subparagraph is a petition that—

“(i) is filed with the Commissioner by any party who is an interested party with respect to covered merchandise;

“(ii) alleges that a person has entered covered merchandise into the customs territory of the United States through evasion; and

“(iii) is accompanied by information reasonably available to the petitioner supporting the allegation.

“(C) **REFERRAL DESCRIBED.**—A referral described in this subparagraph is information submitted to the Commissioner by any other Federal agency, including the Department of Commerce or the United States International Trade Commission, indicating that a person has entered covered merchandise into the customs territory of the United States through evasion.

“(2) **DETERMINATIONS.—**

“(A) **PRELIMINARY DETERMINATION.—**

“(i) **IN GENERAL.**—Not later than 90 days after the date on which the Commissioner initiates an investigation under paragraph (1), the Commissioner shall issue a preliminary determination, based on information available to the Commissioner at the time of the determination, with respect to whether there is a reasonable basis to believe or suspect that the covered merchandise was entered into the customs territory of the United States through evasion.

“(ii) **EXTENSION.**—The Commissioner may extend by not more than 45 days the time period specified in clause (i) if the Commissioner determines that sufficient information to make a preliminary determination under that clause is not available within that time period or the inquiry is unusually complex.

“(B) **FINAL DETERMINATION.—**

“(i) **IN GENERAL.**—Not later than 120 days after making a preliminary determination under subparagraph (A), the Commissioner shall make a final determination, based on substantial evidence, with respect to whether covered merchandise was entered into the customs territory of the United States through evasion.

“(ii) **EXTENSION.**—The Commissioner may extend by not more than 60 days the time period specified in clause (i) if the Commissioner determines that sufficient information to make a final determination under that clause is not available within that time period or the inquiry is unusually complex.

“(C) **OPPORTUNITY FOR COMMENT; HEARING.**—Before issuing a preliminary determination under subparagraph (A) or a final determination under subparagraph (B) with respect to whether covered merchandise was entered into the customs territory of the United States through evasion, the Commissioner shall—

“(i) provide any person alleged to have entered the merchandise into the customs ter-

ritory of the United States through evasion, and any person that is an interested party with respect to the merchandise, with an opportunity to be heard;

“(ii) upon request, hold a hearing with respect to whether the covered merchandise was entered into the customs territory of the United States through evasion; and

“(iii) provide an opportunity for public comment.

“(D) **AUTHORITY TO COLLECT AND VERIFY ADDITIONAL INFORMATION.**—In making a preliminary determination under subparagraph (A) or a final determination under subparagraph (B), the Commissioner—

“(i) shall exercise all existing authorities to collect information needed to make the determination; and

“(ii) may collect such additional information as is necessary to make the determination through such methods as the Commissioner considers appropriate, including by—

“(I) issuing a questionnaire with respect to covered merchandise to—

“(aa) a person that filed a petition under paragraph (1)(B);

“(bb) a person alleged to have entered covered merchandise into the customs territory of the United States through evasion; or

“(cc) any other person that is an interested party with respect to the covered merchandise; or

“(II) conducting verifications, including on-site verifications, of any relevant information.

“(E) **ADVERSE INFERENCE.—**

“(i) **IN GENERAL.**—If the Commissioner finds that a person that filed a petition under paragraph (1)(B), a person alleged to have entered covered merchandise into the customs territory of the United States through evasion, or a foreign producer or exporter, has failed to cooperate by not acting to the best of the person’s ability to comply with a request for information, the Commissioner may, in making a preliminary determination under subparagraph (A) or a final determination under subparagraph (B), use an inference that is adverse to the interests of that person in selecting from among the facts otherwise available to determine whether evasion has occurred.

“(ii) **ADVERSE INFERENCE DESCRIBED.**—An adverse inference used under clause (i) may include reliance on information derived from—

“(I) the petition, if any, submitted under paragraph (1)(B) with respect to the covered merchandise;

“(II) a determination by the Commissioner in another investigation under this section;

“(III) an investigation or review by the administering authority under title VII; or

“(IV) any other information placed on the record.

“(F) **NOTIFICATION AND PUBLICATION.**—Not later than 7 days after making a preliminary determination under subparagraph (A) or a final determination under subparagraph (B), the Commissioner shall—

“(i) provide notification of the determination to—

“(I) the administering authority; and

“(II) the person that submitted the petition under paragraph (1)(B) or the Federal agency that submitted the referral under paragraph (1)(C); and

“(ii) provide the determination for publication in the Federal Register.

“(3) **BUSINESS PROPRIETARY INFORMATION.—**

“(A) **ESTABLISHMENT OF PROCEDURES.**—For each investigation initiated under paragraph (1), the Commissioner shall establish procedures for the submission of business proprietary information under an administrative protective order that—

“(i) protects against public disclosure of such information; and

“(ii) for purposes of submitting comments to the Commissioner, provides limited access to such information for—

“(I) the person that submitted the petition under paragraph (1)(B) or the Federal agency that submitted the referral under paragraph (1)(C); and

“(II) the person alleged to have entered covered merchandise into the customs territory of the United States through evasion.

“(B) ADMINISTRATION IN ACCORDANCE WITH OTHER PROCEDURES.—The procedures established under subparagraph (A) shall be administered—

“(i) to the maximum extent practicable, in a manner similar to the manner in which the administering authority administers the administrative protective order procedures under section 777;

“(ii) in accordance with section 1905 of title 18, United States Code; and

“(iii) in a manner that is consistent with the obligations of the United States under the Agreement on Implementation of Article VII of the General Agreement on Tariffs and Trade 1994 (referred to in section 101(d)(8) of the Uruguay Round Agreements Act (19 U.S.C. 3511(d)(8)) (relating to customs valuation).

“(C) DISCLOSURE OF BUSINESS PROPRIETARY INFORMATION.—The Commissioner shall, in accordance with the procedures established under subparagraph (A) and consistent with subparagraph (B), make all business proprietary information presented to, or obtained by, the Commissioner during an investigation available to the persons specified in subparagraph (A)(ii) under an administrative protective order, regardless of when such information is submitted during an investigation.

“(4) REFERRALS TO OTHER FEDERAL AGENCIES.—

“(A) AFTER PRELIMINARY DETERMINATION.—Notwithstanding section 777 and subject to subparagraph (C), when the Commissioner makes an affirmative preliminary determination under paragraph (2)(A), the Commissioner shall, at the request of the head of another Federal agency, transmit the administrative record to the head of that agency.

“(B) AFTER FINAL DETERMINATION.—Notwithstanding section 777 and subject to subparagraph (C), when the Commissioner makes an affirmative final determination under paragraph (2)(B), the Commissioner shall, at the request of the head of another Federal agency, transmit the complete administrative record to the head of that agency.

“(C) PROTECTIVE ORDERS.—Before transmitting an administrative record to the head of another Federal agency under subparagraph (A) or (B), the Commissioner shall verify that the other agency has in effect with respect to the administrative record a protective order that provides the same or a similar level of protection for the information in the administrative record as the protective order in effect with respect to such information under this subsection.

“(c) EFFECT OF DETERMINATIONS.—

“(1) EFFECT OF AFFIRMATIVE PRELIMINARY DETERMINATION.—If the Commissioner makes a preliminary determination in accordance with subsection (b)(2)(A) that there is a reasonable basis to believe or suspect that covered merchandise was entered into the customs territory of the United States through evasion, the Commissioner shall—

“(A) suspend the liquidation of each unliquidated entry of the covered merchandise that is subject to the preliminary determination and that entered on or after the date of the initiation of the investigation under paragraph (1);

“(B) pursuant to the Commissioner's authority under section 504(b), extend the pe-

riod in which to liquidate each unliquidated entry of the covered merchandise that is subject to the preliminary determination and that entered before the date of the initiation of the investigation under paragraph (1);

“(C) review and reassess the amount of bond or other security the importer is required to post for each entry of merchandise described in subparagraph (A) or (B);

“(D) require the posting of a cash deposit with respect to each entry of merchandise described in subparagraph (A) or (B); and

“(E) take such other measures as the Commissioner determines appropriate to ensure the collection of any duties that may be owed with respect to merchandise described in subparagraph (A) or (B) as a result of a final determination under subsection (b)(2)(B).

“(2) EFFECT OF NEGATIVE PRELIMINARY DETERMINATION.—If the Commissioner makes a preliminary determination in accordance with subsection (b)(2)(A) that there is not a reasonable basis to believe or suspect that covered merchandise was entered into the customs territory of the United States through evasion, the Commissioner shall continue the investigation and notify the administering authority pending a final determination under subsection (b)(2)(B).

“(3) EFFECT OF AFFIRMATIVE FINAL DETERMINATION.—If the Commissioner makes a final determination in accordance with subsection (b)(2)(B) that covered merchandise was entered into the customs territory of the United States through evasion, the Commissioner shall—

“(A) suspend or continue to suspend, as the case may be, the liquidation of each entry of the covered merchandise that is subject to the determination and that enters on or after the date of the determination;

“(B) pursuant to the Commissioner's authority under section 504(b), extend or continue to extend, as the case may be, the period in which to liquidate each entry of the covered merchandise that is subject to the determination and that entered before the date of the determination;

“(C) notify the administering authority of the determination and request that the administering authority—

“(i) identify the applicable antidumping or countervailing duty assessment rate for the entries for which liquidation is suspended or extended under subparagraph (A) or (B) of paragraph (1) or subparagraph (A) or (B) of this paragraph; or

“(ii) if no such assessment rates are available at the time, identify the applicable cash deposit rate to be applied to the entries described in subparagraph (A) or (B), with the applicable antidumping or countervailing duty assessment rates to be provided as soon as such rates become available;

“(D) require the posting of cash deposits and assess duties on each entry of merchandise described in subparagraph (A) or (B) in accordance with the instructions received from the administering authority under paragraph (5);

“(E) review and reassess the amount of bond or other security the importer is required to post for merchandise described in subparagraph (A) or (B) to ensure the protection of revenue and compliance with the law; and

“(F) take such additional enforcement measures as the Commissioner determines appropriate, such as—

“(i) initiating proceedings under section 592 or 596;

“(ii) implementing, in consultation with the relevant Federal agencies, rule sets or modifications to rules sets for identifying, particularly through the Automated Targeting System and the Automated Commercial Environment, importers, other parties,

and merchandise that may be associated with evasion;

“(iii) requiring, with respect to merchandise for which the importer has repeatedly provided incomplete or erroneous entry summary information in connection with determinations of evasion, the importer to submit entry summary documentation and to deposit estimated duties at the time of entry;

“(iv) referring the record in whole or in part to U.S. Immigration and Customs Enforcement for civil or criminal investigation; and

“(v) transmitting the administrative record to the administering authority for further appropriate proceedings.

“(4) EFFECT OF NEGATIVE FINAL DETERMINATION.—If the Commissioner makes a final determination in accordance with subsection (b)(2)(B) that covered merchandise was not entered into the customs territory of the United States through evasion, the Commissioner shall terminate the suspension or extension of liquidation pursuant to subparagraph (A) or (B) of paragraph (1) and refund any cash deposits collected pursuant to paragraph (1)(D) that are in excess of the cash deposit rate that would otherwise have been applicable the merchandise.

“(5) COOPERATION OF ADMINISTERING AUTHORITY.—

“(A) IN GENERAL.—Upon receiving a notification from the Commissioner under paragraph (3)(C), the administering authority shall promptly provide to the Commissioner the applicable cash deposit rates and antidumping or countervailing duty assessment rates and any necessary liquidation instructions.

“(B) SPECIAL RULE FOR CASES IN WHICH THE PRODUCER OR EXPORTER IS UNKNOWN.—If the Commissioner and administering authority are unable to determine the producer or exporter of the merchandise with respect to which a notification is made under paragraph (3)(C), the administering authority shall identify, as the applicable cash deposit rate or antidumping or countervailing duty assessment rate, the cash deposit or duty (as the case may be) in the highest amount applicable to any producer or exporter, including the ‘all-others’ rate of the merchandise subject to an antidumping order or countervailing duty order under section 736 or 706, respectively, or a finding issued under the Antidumping Act, 1921, or any administrative review conducted under section 751.

“(d) SPECIAL RULES.—

“(1) EFFECT ON OTHER AUTHORITIES.—Neither the initiation of an investigation under subsection (b)(1) nor a preliminary determination or a final determination under subsection (b)(2) shall affect the authority of the Commissioner—

“(A) to pursue such other enforcement measures with respect to the evasion of antidumping or countervailing duties as the Commissioner determines necessary, including enforcement measures described in clauses (i) through (iv) of subsection (c)(3)(F); or

“(B) to assess any penalties or collect any applicable duties, taxes, and fees, including pursuant to section 592.

“(2) EFFECT OF DETERMINATIONS ON FRAUD ACTIONS.—Neither a preliminary determination nor a final determination under subsection (b)(2) shall be determinative in a proceeding under section 592.

“(3) NEGLIGENCE OR INTENT.—The Commissioner shall investigate and make a preliminary determination or a final determination under this section with respect to whether a person has entered covered merchandise into the customs territory of the United States through evasion without regard to whether the person—

“(A) intended to violate an antidumping duty order or countervailing duty order under section 736 or 706, respectively, or a finding issued under the Antidumping Act, 1921; or

“(B) exercised reasonable care with respect to avoiding a violation of such an order or finding.”.

(b) **TECHNICAL AMENDMENT.**—Clause (ii) of section 777(b)(1)(A) of the Tariff Act of 1930 (19 U.S.C. 1677f(b)(1)(A)) is amended to read as follows:

“(ii) to an officer or employee of U.S. Customs and Border Protection who is directly involved in conducting an investigation regarding fraud under this title or claims of evasion under section 516B.”.

(c) **JUDICIAL REVIEW.**—Section 516A(a)(2) of the Tariff Act of 1930 (19 U.S.C. 1516a(a)(2)) is amended—

(1) in subparagraph (A)—

(A) in clause (i)(III), by striking “or” at the end;

(B) in clause (ii), by adding “or” at the end; and

(C) by inserting after clause (ii) the following:

“(iii) the date of publication in the Federal Register of a determination described in clause (ix) of subparagraph (B).”; and

(2) in subparagraph (B), by adding at the end the following new clause:

“(ix) A determination by the Commissioner responsible for U.S. Customs and Border Protection under section 516B that merchandise has been entered into the customs territory of the United States through evasion.”.

(d) **FINALITY OF DETERMINATIONS.**—Section 514(b) of the Tariff Act of 1930 (19 U.S.C. 1514(b)) is amended by striking “section 303” and all that follows through “which are reviewable” and inserting “section 516B or title VII that are reviewable”.

## **SEC. 12. APPLICATION TO CANADA AND MEXICO.**

Pursuant to article 1902 of the North American Free Trade Agreement and section 408 of the North American Free Trade Agreement Implementation Act (19 U.S.C. 3438), the amendments made by this title shall apply with respect to goods from Canada and Mexico.

### **Subtitle B—Other Matters**

## **SEC. 21. DEFINITIONS.**

In this subtitle, the terms “appropriate congressional committees”, “Commissioner”, “covered merchandise”, “enter” and “entry”, and “evade” and “evasion” have the meanings given those terms in section 516B(a) of the Tariff Act of 1930 (as added by section 11 of this title).

## **SEC. 22. ALLOCATION OF U.S. CUSTOMS AND BORDER PROTECTION PERSONNEL.**

(a) **REASSIGNMENT AND ALLOCATION.**—The Commissioner shall, to the maximum extent possible, ensure that U.S. Customs and Border Protection—

(1) employs sufficient personnel who have expertise in, and responsibility for, preventing the entry of covered merchandise into the customs territory of the United States through evasion; and

(2) on the basis of risk assessment metrics, assigns sufficient personnel with primary responsibility for preventing the entry of covered merchandise into the customs territory of the United States through evasion to the ports of entry in the United States at which the Commissioner determines potential evasion presents the most substantial threats to the revenue of the United States.

(b) **COMMERCIAL ENFORCEMENT OFFICERS.**—Not later than September 30, 2011, the Secretary of Homeland Security, the Commissioner, and the Assistant Secretary for U.S. Immigration and Customs Enforcement shall

assess and properly allocate the resources of U.S. Customs and Border Protection and U.S. Immigration and Customs Enforcement—

(1) to effectively implement the provisions of, and amendments made by, this Act; and

(2) to improve efforts to investigate and combat evasion.

## **SEC. 23. REGULATIONS.**

(a) **IN GENERAL.**—Not later than 240 days after the date of the enactment of this Act, the Commissioner shall issue regulations to carry out this title and the amendments made by title I.

(b) **COOPERATION BETWEEN U.S. CUSTOMS AND BORDER PROTECTION, U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT, AND DEPARTMENT OF COMMERCE.**—Not later than 240 days after the date of the enactment of this Act, the Commissioner, the Assistant Secretary for U.S. Immigration and Customs Enforcement, and the Secretary of Commerce shall establish procedures to ensure maximum cooperation and communication between U.S. Customs and Border Protection, U.S. Immigration and Customs Enforcement, and the Department of Commerce in order to quickly, efficiently, and accurately investigate allegations of evasion under section 516B of the Tariff Act of 1930 (as added by section 11 of this Act).

## **SEC. 24. ANNUAL REPORT ON PREVENTION OF EVASION OF ANTIDUMPING AND COUNTERVAILING DUTY ORDERS.**

(a) **IN GENERAL.**—Not later than February 28 of each year, beginning in 2012, the Commissioner, in consultation with the Secretary of Commerce, shall submit to the appropriate congressional committees a report on the efforts being taken pursuant to section 516B of the Tariff Act of 1930 (as added by section 11 of this title) to prevent the entry of covered merchandise into the customs territory of the United States through evasion.

(b) **CONTENTS.**—Each report required under subsection (a) shall include—

(1) for the fiscal year preceding the submission of the report—

(A) the number and a brief description of petitions and referrals received pursuant to section 516B(b)(1) of the Tariff Act of 1930 (as added by section 11 of this title);

(B) the results of the investigations initiated under such section, including any related enforcement actions, and the amount of antidumping and countervailing duties collected as a result of those investigations; and

(C) to the extent appropriate, a summary of the efforts of U.S. Customs and Border Protection, other than efforts initiated pursuant section 516B of the Tariff Act of 1930 (as added by section 11 of this title), to prevent the entry of covered merchandise into the customs territory of the United States through evasion; and

(2) for the 3 fiscal years preceding the submission of the report, an estimate of—

(A) the amount of covered merchandise that entered the customs territory of the United States through evasion; and

(B) the amount of duties that could not be collected on such merchandise because the Commissioner did not have the authority to reliquidate the entries of such merchandise.

## **SEC. 25. GOVERNMENT ACCOUNTABILITY OFFICE REPORT ON RELIQUIDATION AUTHORITY.**

Not later than 60 days after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the appropriate congressional committees, and make available to the public, a report estimating the amount of duties that could not be collected on covered merchandise that entered the customs territory of the United

States through evasion during fiscal years 2009 and 2010 because the Commissioner did not have the authority to reliquidate the entries of such merchandise.

**SA 716.** Mr. HATCH submitted an amendment intended to be proposed by him to the bill S. 1619, to provide for identification of misaligned currency, require action to correct the misalignment, and for other purposes; which was ordered to lie on the table; as follows:

On page 33, after line 5, insert the following:

## **SEC. 16. REPEAL OF MEDICAL DEVICE EXCISE TAX.**

Subsections (a), (b), and (c) of section 1405 of the Health Care and Education Reconciliation Act of 2010, and the amendments made thereby, are hereby repealed; and the Internal Revenue Code of 1986 shall be applied as if such section and amendments had never been enacted.

**SA 717.** Ms. COLLINS submitted an amendment intended to be proposed by her to the bill S. 1619, to provide for identification of misaligned currency, require action to correct the misalignment, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

## **SEC. . REGULATORY TIME-OUT.**

(a) **SHORT TITLE.**—This section may be cited as the “Regulatory Time-Out Act of 2011”.

(b) **DEFINITIONS.**—In this section—

(1) the term “agency” has the meaning given that term under section 3502(1) of title 44, United States Code; and

(2) the term “covered regulation” means a final regulation that—

(A) directly or indirectly increases costs on businesses in a manner which will have an adverse effect on job creation, job retention, productivity, competitiveness, or the efficient functioning of the economy;

(B) is likely to—

(i) have an annual effect on the economy of \$100,000,000 or more;

(ii) adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities;

(iii) create a serious inconsistency or otherwise interfere with an action taken or planned by another agency;

(iv) materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or

(v) raise novel legal or policy issues; and

(C) did not take effect before September 1, 2011.

(c) **TIME-OUT PERIOD FOR REGULATIONS.**—

(1) **PRIOR REGULATIONS.**—A covered regulation that took effect before the date of enactment of this Act shall be treated as though that regulation never took effect for the 1-year period beginning on the date of enactment of this Act.

(2) **PROSPECTIVE REGULATIONS.**—A covered regulation that has not taken effect before the date of enactment of this Act, may not take effect during the 1-year period beginning on the date of enactment of this Act.

(d) **EXEMPTIONS.**—

(1) **IN GENERAL.**—The head of an agency may exempt a covered regulation prescribed by that agency from the application of subsection (c), if the head of the agency—

(A) makes a specific finding that the covered regulation—

(i) is necessary due to an imminent threat to human health or safety, or any other emergency;

(ii) is necessary for the enforcement of a criminal law;

(iii) has as its principal effect—

(I) fostering private sector job creation and the enhancement of the competitiveness of workers in the United States;

(II) encouraging economic growth; or

(III) repealing, narrowing, or streamlining a rule, regulation, or administrative process, or otherwise reducing regulatory burdens;

(iv) pertains to a military or foreign affairs function of the United States; or

(v) is limited to interpreting, implementing, or administering the Internal Revenue Code of 1986; and

(B) submits the finding to Congress and publishes the finding in the Federal Register.

(2) REVIEW.—Not later than 10 days after the date of enactment of this Act each agency shall submit any covered regulation that the head of the agency determines is exempt under this section to the Office of Management and Budget and Congress.

(3) NONDELEGABLE AUTHORITY.—The head of an agency may not delegate the authority provided under this subsection to exempt the application of any provision of this section.

**SA 718.** Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1619, to provide for identification of misaligned currency, require action to correct the misalignment, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

#### **TITLE —REGULATORY RELIEF**

##### **SEC. 01. SHORT TITLE.**

This title may be cited as the “EPA Regulatory Relief Act of 2011”.

##### **SEC. 02. LEGISLATIVE STAY.**

(a) ESTABLISHMENT OF STANDARDS.—In place of the rules specified in subsection (b), and notwithstanding the date by which such rules would otherwise be required to be promulgated, the Administrator of the Environmental Protection Agency (in this title referred to as the “Administrator”) shall—

(1) propose regulations for industrial, commercial, and institutional boilers and process heaters, and commercial and industrial solid waste incinerator units, subject to any of the rules specified in subsection (b)—

(A) establishing maximum achievable control technology standards, performance standards, and other requirements under sections 112 and 129, as applicable, of the Clean Air Act (42 U.S.C. 7412, 7429); and

(B) identifying non-hazardous secondary materials that, when used as fuels or ingredients in combustion units of such boilers, process heaters, or incinerator units are solid waste under the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.; commonly referred to as the “Resource Conservation and Recovery Act”) for purposes of determining the extent to which such combustion units are required to meet the emissions standards under section 112 of the Clean Air Act (42 U.S.C. 7412) or the emission standards under section 129 of such Act (42 U.S.C. 7429); and

(2) finalize the regulations on the date that is 15 months after the date of the enactment of this Act.

(b) STAY OF EARLIER RULES.—The following rules are of no force or effect, shall be treated as though such rules had never taken effect, and shall be replaced as described in subsection (a):

(1) “National Emission Standards for Hazardous Air Pollutants for Major Sources: In-

dustrial, Commercial, and Institutional Boilers and Process Heaters”, published at 76 Fed. Reg. 15608 (March 21, 2011).

(2) “National Emission Standards for Hazardous Air Pollutants for Area Sources: Industrial, Commercial, and Institutional Boilers”, published at 76 Fed. Reg. 15554 (March 21, 2011).

(3) “Standards of Performance for New Stationary Sources and Emission Guidelines for Existing Sources: Commercial and Industrial Solid Waste Incineration Units”, published at 76 Fed. Reg. 15704 (March 21, 2011).

(4) “Identification of Non-Hazardous Secondary Materials That Are Solid Waste”, published at 76 Fed. Reg. 15456 (March 21, 2011).

(c) INAPPLICABILITY OF CERTAIN PROVISIONS.—With respect to any standard required by subsection (a) to be promulgated in regulations under section 112 of the Clean Air Act (42 U.S.C. 7412), the provisions of subsections (g)(2) and (j) of such section 112 shall not apply prior to the effective date of the standard specified in such regulations.

##### **SEC. 03. COMPLIANCE DATES.**

(a) ESTABLISHMENT OF COMPLIANCE DATES.—For each regulation promulgated pursuant to section 02, the Administrator—

(1) shall establish a date for compliance with standards and requirements under such regulation that is, notwithstanding any other provision of law, not earlier than 5 years after the effective date of the regulation; and

(2) in proposing a date for such compliance, shall take into consideration—

(A) the costs of achieving emissions reductions;

(B) any non-air quality health and environmental impact and energy requirements of the standards and requirements;

(C) the feasibility of implementing the standards and requirements, including the time needed to—

(i) obtain necessary permit approvals; and

(ii) procure, install, and test control equipment;

(D) the availability of equipment, suppliers, and labor, given the requirements of the regulation and other proposed or finalized regulations of the Environmental Protection Agency; and

(E) potential net employment impacts.

(b) NEW SOURCES.—The date on which the Administrator proposes a regulation pursuant to section 02(a)(1) establishing an emission standard under section 112 or 129 of the Clean Air Act (42 U.S.C. 7412, 7429) shall be treated as the date on which the Administrator first proposes such a regulation for purposes of applying the definition of a new source under section 112(a)(4) of such Act (42 U.S.C. 7412(a)(4)) or the definition of a new solid waste incineration unit under section 129(g)(2) of such Act (42 U.S.C. 7429(g)(2)).

(c) RULE OF CONSTRUCTION.—Nothing in this title shall be construed to restrict or otherwise affect the provisions of paragraphs (3)(B) and (4) of section 112(i) of the Clean Air Act (42 U.S.C. 7412(i)).

##### **SEC. 04. ENERGY RECOVERY AND CONSERVATION.**

Notwithstanding any other provision of law, and to ensure the recovery and conservation of energy consistent with the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.; commonly referred to as the “Resource Conservation and Recovery Act”), in promulgating rules under section 02(a) addressing the subject matter of the rules specified in paragraphs (3) and (4) of section 02(b), the Administrator—

(1) shall adopt the definitions of the terms “commercial and industrial solid waste incineration unit”, “commercial and indus-

trial waste”, and “contained gaseous material” in the rule entitled “Standards of Performance for New Stationary Sources and Emission Guidelines for Existing Sources: Commercial and Industrial Solid Waste Incineration Units”, published at 65 Fed. Reg. 75338 (December 1, 2000); and

(2) shall identify non-hazardous secondary material to be solid waste only if—

(A) the material meets such definition of commercial and industrial waste; or

(B) if the material is a gas, it meets such definition of contained gaseous material.

##### **SEC. 05. OTHER PROVISIONS.**

(a) ESTABLISHMENT OF STANDARDS ACHIEVABLE IN PRACTICE.—In promulgating rules under section 02(a), the Administrator shall ensure that emissions standards for existing and new sources established under section 112 or 129 of the Clean Air Act (42 U.S.C. 7412, 7429), as applicable, can be met under actual operating conditions consistently and concurrently with emission standards for all other air pollutants regulated by the rule for the source category, taking into account variability in actual source performance, source design, fuels, inputs, controls, ability to measure the pollutant emissions, and operating conditions.

(b) REGULATORY ALTERNATIVES.—For each regulation promulgated pursuant to section 02(a), from among the range of regulatory alternatives authorized under the Clean Air Act (42 U.S.C. 7401 et seq.) including work practice standards under section 112(h) of such Act (42 U.S.C. 7412(h)), the Administrator shall impose the least burdensome, consistent with the purposes of such Act and Executive Order 13563 published at 76 Fed. Reg. 3821 (January 21, 2011).

**SA 719.** Mr. THUNE submitted an amendment intended to be proposed by him to the bill S. 1619, to provide for identification of misaligned currency, require action to correct the misalignment, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

##### **SEC. . REPEAL OF CLASS PROGRAM.**

(a) REPEAL.—Title XXXII of the Public Health Service Act (42 U.S.C. 3001 et seq.; relating to the CLASS program) is repealed.

(b) CONFORMING CHANGES.—

(1) Title VIII of the Patient Protection and Affordable Care Act (Public Law 111-148; 124 Stat. 119, 846-847) is repealed.

(2) Section 1902(a) of the Social Security Act (42 U.S.C. 1396a(a)) is amended—

(A) by striking paragraphs (81) and (82);

(B) in paragraph (80), by inserting “and” at the end; and

(C) by redesignating paragraph (83) as paragraph (81).

(3) Paragraphs (2) and (3) of section 6021(d) of the Deficit Reduction Act of 2005 (42 U.S.C. 1396p note) are amended to read as such paragraphs were in effect on the day before the date of the enactment of section 8002(d) of the Patient Protection and Affordable Care Act (Public Law 111-148). Of the funds appropriated by paragraph (3) of such section 6021(d), as amended by the Patient Protection and Affordable Care Act, the unobligated balance is rescinded.

(c) RESCISSION OF UNOBLIGATED DISCRETIONARY APPROPRIATIONS.—

(1) IN GENERAL.—Of the unobligated balances of discretionary appropriations on the date of enactment of this Act, \$86,000,000,000 is rescinded.

(2) IMPLEMENTATION.—

(A) IN GENERAL.—The Director of the Office of Management and Budget shall determine

which appropriation accounts the rescission under paragraph (1) shall apply to and the amount that each such account shall be reduced by pursuant to such rescission.

(B) REPORT.—Not later than 60 days after the date of the enactment of this Act, the Director of the Office of Management and Budget shall submit a report to the Secretary of the Treasury and Congress listing the accounts reduced by the rescission in paragraph (1) and the amounts rescinded from each such account.

(3) EXCEPTIONS.—The rescission under paragraph (1) shall not apply to the Department of Defense, the Department of Veterans Affairs, or the Social Security Administration.

**SA 720.** Mr. ROBERTS (for himself and Mr. JOHANN) submitted an amendment intended to be proposed by him to the bill S. 1619, to provide for identification of misaligned currency, require action to correct the misalignment, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the bill, add the following:

**SEC. \_\_\_\_ USE OF PESTICIDES IN OR NEAR NAVIGABLE WATERS.**

(a) USE OF AUTHORIZED PESTICIDES.—Section 3(f) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136a(f)) is amended by adding at the end the following:

“(5) USE OF AUTHORIZED PESTICIDES.—Except as provided in section 402(s) of the Federal Water Pollution Control Act, the Administrator or a State may not require a permit under that Act for a discharge from a point source into navigable waters of a pesticide authorized for sale, distribution, or use under this Act, or the residue of such a pesticide, resulting from the application of the pesticide.”.

(b) DISCHARGES OF PESTICIDES.—Section 402 of the Federal Water Pollution Control Act (33 U.S.C. 1342) is amended by adding at the end the following:

“(s) DISCHARGES OF PESTICIDES.—

“(1) NO PERMIT REQUIREMENT.—Except as provided in paragraph (2), a permit shall not be required by the Administrator or a State under this Act for a discharge from a point source into navigable waters of a pesticide authorized for sale, distribution, or use under the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136 et seq.), or the residue of such a pesticide, resulting from the application of the pesticide.

“(2) EXCEPTIONS.—Paragraph (1) shall not apply to the following discharges of a pesticide or pesticide residue:

“(A) A discharge resulting from the application of a pesticide in violation of a provision of the Federal Insecticide, Fungicide, and Rodenticide Act that is relevant to protecting water quality, if—

“(i) the discharge would not have occurred but for the violation; or

“(ii) the quantity of pesticide or pesticide residue in the discharge is greater than would have occurred without the violation.

“(B) Stormwater discharges subject to regulation under subsection (p).

“(C) The following discharges subject to regulation under this section:

“(i) Manufacturing or industrial effluent.

“(ii) Treatment works effluent.

“(iii) Discharges incidental to the normal operation of a vessel, including a discharge resulting from ballasting operations or vessel biofouling prevention.”.

**SA 721.** Mr. RUBIO submitted an amendment intended to be proposed by

him to the bill S. 1619, to provide for identification of misaligned currency, require action to correct the misalignment, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

**SEC. \_\_\_\_ PROHIBITION ON TREASURY REGULATIONS WITH RESPECT TO INFORMATION REPORTING ON CERTAIN INTEREST PAID TO NONRESIDENT ALIENS.**

Except to the extent provided in Treasury Regulations as in effect on February 21, 2011, the Secretary of the Treasury shall not require (by regulation or otherwise) that an information return be made by a payor of interest in the case of interest—

(1) which is described in section 871(i)(2)(A) of the Internal Revenue Code of 1986, and

(2) which is paid—

(A) to a nonresident alien, and

(B) on a deposit maintained at an office within the United States.

**AUTHORITY FOR COMMITTEES TO MEET**

**COMMITTEE ON ENERGY AND NATURAL RESOURCES**

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on October 4, 2011, at 10 a.m., in room 366 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

**COMMITTEE ON THE JUDICIARY**

Mr. REID. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate, on October 4, 2011, at 3 p.m., in room SD-226 of the Dirksen Senate Office Building, to conduct a hearing entitled “Nominations.”

The PRESIDING OFFICER. Without objection, it is so ordered.

**SELECT COMMITTEE ON INTELLIGENCE**

Mr. REID. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on October 4, 2011, at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

**SUBCOMMITTEE ON FEDERAL FINANCIAL MANAGEMENT, GOVERNMENT INFORMATION, FEDERAL SERVICES, AND INTERNATIONAL SECURITY**

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs' Subcommittee on Federal Financial Management, Government Information, Federal Services, and International Security be authorized to meet during the session of the Senate on October 4, 2011, at 10:30 a.m. to conduct a hearing entitled, “Costs of Prescription Drug Abuse in the Medicare Part D Program.”

The PRESIDING OFFICER. Without objection, it is so ordered.

**SUBCOMMITTEE ON FINANCIAL INSTITUTIONS AND CONSUMER PROTECTION**

Mr. REID. Mr. President, I ask unanimous consent that the Committee on

Banking, Housing, and Urban Affairs' Subcommittee on Financial Institutions and Consumer Protection be authorized to meet during the session of the Senate on October 4, 2011 at 3 p.m. to conduct a hearing entitled “Consumer Protection and Middle Class Wealth Building in an Age of Growing Household Debt.”

The PRESIDING OFFICER. Without objection, it is so ordered.

**SUBCOMMITTEE ON IMMIGRATION, REFUGEES, AND BORDER SECURITY**

Mr. REID. Mr. President, I ask unanimous consent that the Committee on the Judiciary, Subcommittee on Immigration, Refugees, and Border Security, be authorized to meet during the session of the Senate, on October 4, 2011, at 10 a.m. in room SD-226 of the Dirksen Senate Office Building, to conduct a hearing entitled “America's Agricultural Labor Crisis: Enacting a Practical Solution.”

The PRESIDING OFFICER. Without objection, it is so ordered.

**SUBCOMMITTEE ON WATER AND WILDLIFE**

Mr. REID. Mr. President, I ask unanimous consent that the Subcommittee on Water and wildlife of the Committee on Environment and Public Works be authorized to meet during the session of the Senate, on October 4, 2011, at 2:30 p.m. in Dirksen 406 to conduct a hearing entitled “Nutrient Pollution: an Overview of Nutrient Reduction Approaches.”

The PRESIDING OFFICER. Without objection, it is so ordered.

**EXECUTIVE SESSION**

**EXECUTIVE CALENDAR**

Mr. REID. I ask unanimous consent that the Senate proceed to executive session to consider Calendar No. 361; that the Senate proceed to vote without intervening action or debate the motion to reconsider be considered made and laid on the table with no intervening action or debate; that no further motions be in order to the nomination; that any statements related to the nomination be printed in the RECORD; that the President be immediately notified of the Senate's action and the Senate then resume legislative session.

The PRESIDING OFFICER. Without objection, the clerk will report the nomination.

The legislative clerk read the nomination of Francis Joseph Riccardone, Jr., of Massachusetts, a Career Member of the Senior Foreign Service, class of Career Minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Turkey.

The PRESIDING OFFICER. Is there further debate on the nomination?

If not, the question is on confirmation of the nomination.

The nomination was confirmed.



## LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will resume legislative session.

DESIGNATING THE SCHERTZ  
VETERANS POST OFFICEDESIGNATING THE SERGEANT  
CHRIS DAVIS POST OFFICE

Mr. REID. Mr. President, I ask unanimous consent that the Homeland Security and Governmental Affairs Committee be discharged from the following post office naming bills en bloc and the Senate proceed to their consideration en bloc: H.R. 771 and H.R. 1632.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senate proceeded to consider the bills.

Mr. REID. Mr. President, I ask unanimous consent that the bills be read a third time and passed en bloc, the motions to reconsider be laid upon the table en bloc, with no intervening action or debate, and any related statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 771) to designate the facility of the United States Postal Service located at 1081 Elbel Road in Schertz, Texas, as the "Schertz Veterans Post Office," was ordered to a third reading, was read the third time, and passed.

The bill (H.R. 1632) to designate the facility of the United States Postal Service located at 5014 Gary Avenue in Lubbock, Texas, as the "Sergeant Chris Davis Post Office," was ordered to a third reading, was read the third time, and passed.

NATIONAL SAVE FOR  
RETIREMENT WEEK

Mr. REID. Mr. President, I ask unanimous consent that the Finance Committee be discharged from further consideration of S. Res. 266 and the Senate proceed to its consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 266) supporting the goals and ideals of "National Save for Retirement Week," including raising public awareness of the various tax-preferred retirement vehicles and increasing personal financial literacy.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements relating

to this resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 266) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

## S. RES. 266

Whereas people in the United States are living longer, and the cost of retirement is increasing significantly;

Whereas Social Security remains the bedrock of retirement income for the great majority of the people of the United States but was never intended by Congress to be the sole source of retirement income for families;

Whereas recent data from the Employee Benefit Research Institute indicates that, in the United States, less than ⅓ of workers or their spouses are currently saving for retirement, and the actual amount of retirement savings of workers is much less than the amount needed to adequately fund their retirement years;

Whereas the financial literacy of workers in the United States is an important factor to workers understanding the true need to save for retirement;

Whereas saving for retirement is a key component to overall financial health and security during retirement years, and the importance of financial literacy in planning for retirement must be advocated;

Whereas many workers may not be aware of their options in saving for retirement or may not have focused on the importance of, and need for, saving for retirement;

Whereas many employees have available to them, through their employers, access to defined benefit and defined contribution plans to assist them in preparing for retirement, yet many of those employees may not be taking advantage of those plans at all or to the full extent allowed by Federal law;

Whereas the need to save for retirement is important even during economic downturns or market declines, which make continued contributions all the more important;

Whereas all workers, including public and private sector employees, employees of tax-exempt organizations, and self-employed individuals, can benefit from increased awareness of the need to develop personal budgets and financial plans that include retirement savings strategies and to take advantage of the availability of tax-preferred savings vehicles to assist workers in saving for retirement; and

Whereas October 16 through October 22, 2011, has been designated as "National Save for Retirement Week": Now, therefore, be it Resolved, That the Senate—

(1) supports the goals and ideals of "National Save for Retirement Week", including raising public awareness of the various tax-preferred retirement vehicles as important tools for personal savings and retirement financial security;

(2) supports the need to raise public awareness of the availability of a variety of ways to save for retirement which are favored under the Internal Revenue Code of 1986 and are utilized by many people in the United States, but which should be utilized by more;

(3) supports the need to raise public awareness of the importance of saving adequately for retirement and the continued existence of tax-preferred employer-sponsored retirement savings vehicles; and

(4) calls on the States, localities, schools, universities, nonprofit organizations, businesses, other entities, and the people of the United States to observe National Save for Retirement Week with appropriate programs and activities, with the goal of increasing retirement savings for all people in the United States.

ORDERS FOR WEDNESDAY,  
OCTOBER 5, 2011

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m. tomorrow, Wednesday, October 5, 2011; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, and the time for the two leaders be reserved for their use later in the day; that following any leader remarks, the Senate be in a period of morning business for 1 hour, with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the Republicans controlling the first half and the majority controlling the final half; and that following morning business, the Senate resume consideration of S. 1619, the Currency Exchange Rate Oversight Reform Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

## PROGRAM

Mr. REID. Mr. President, cloture was filed tonight on S. 1619. Unless an agreement is reached, this vote will occur Thursday morning an hour after we come in session. The filing deadline for first-degree amendments to S. 1619 is 1 p.m. tomorrow, Wednesday. Votes on amendments to the bill are possible during Wednesday's session.

ADJOURNMENT UNTIL 10 A.M.  
TOMORROW

Mr. REID. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 6:43 p.m., adjourned until Wednesday, October 5, 2011, at 10 a.m.

## CONFIRMATION

Executive nomination confirmed by the Senate October 4, 2011:

## DEPARTMENT OF STATE

FRANCIS JOSEPH RICCIARDONE, JR., OF MASSACHUSETTS, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER MINISTER, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF TURKEY, TO WHICH POSITION HE WAS APPOINTED DURING THE RECESS OF THE SENATE FROM DECEMBER 22, 2010, TO JANUARY 5, 2011.



## EXTENSIONS OF REMARKS

### RECOGNIZING THE ACHIEVEMENTS OF ARNOLD MANN

#### HON. JIM GERLACH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 4, 2011*

Mr. GERLACH. Mr. Speaker, I rise today to congratulate Arnold Mann of Collegeville, Montgomery County, Pennsylvania for receiving the Collegeville Rotary Club's Citizen of the Year award.

A Collegeville resident since 1968, Arnold Mann has been a member of Collegeville Borough Council since 1992, serving as its President from 1994–1996, 1998–2000, and 2010 to present day. Currently, Arnold serves on the Finance Committee and as Chairman of the Streets and Roads Committee. Additionally, he is a member of the Planning Commission, the Collegeville-Trappe Sewer Authority and serves as Joint-Chair of the Collegeville-Trappe Public Works Committee.

Further, Arnold Mann is a U.S. Navy veteran and a graduate of Drexel University. Arnold is an active member of Trinity Reformed Church of Christ and, during his tenure on church council, served as President and Building Committee Chairman. Arnold and his wife Marty organized a youth group at Trinity and served as youth ministers for seven years.

Mr. Speaker, in light of his years of outstanding service to the community and litany of exemplary accomplishments, I ask that my colleagues join me today in recognizing Arnold Mann on the occasion of being awarded the Citizen of the Year Award by the Collegeville Rotary Club.

### DR. PAMELA S. SHOCKLEY- ZALABAK TRIBUTE

#### HON. SCOTT R. TIPTON

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 4, 2011*

Mr. TIPTON. Mr. Speaker, I rise today to honor Dr. Pamela S. Shockley-Zalabak, Chancellor of the University of Colorado-Colorado Springs. Since 2001, Dr. Shockley-Zalabak has worked to improve the educational system in the State of Colorado in an attempt to enhance student success and graduation rates.

In the years ahead, jobs in the United States will be pursuing specialized workers who are educationally qualified and focused in a particular area of expertise. The University of Colorado, under Dr. Shockley-Zalabak's leadership, has concentrated its efforts on improving the retention and graduation of ethnic minority students. UCCS has also worked to implement programs to advance interest in more specialized careers, including areas such as science, technology, engineering and math.

Last week, Dr. Shockley-Zalabak participated in a roundtable at the White House that

discussed the impact of community colleges throughout the nation. This roundtable was a part of the White House's highlights of "Champions of Change" who are making a notable impression in their communities.

The White House also recognized Dr. Shockley-Zalabak and UCCS for the implementation of the Southern Colorado Educational Consortium. This program allows UCCS to work with other two- and four-year colleges in the area to foster educational opportunities and degree programs. This rural part of Colorado has historically seen low educational achievement in years past. However, under the leadership of Dr. Shockley-Zalabak and the new programs she has helped create, I am confident the newfound success experienced by UCCS will continue to grow.

Mr. Speaker, it is an honor to recognize Dr. Pamela Shockley-Zalabak for her incredible accomplishments and steadfast dedication to the Colorado Educational System. She is truly making a difference in equipping America's youth with the tools, resources and education necessary to pursue a sustainable career and to determine their own destiny.

### HONORING CLAYTON M. DRENNER

#### HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 4, 2011*

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Clayton M. Drenner. Clayton is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 332, and earning the most prestigious award of Eagle Scout.

Clayton has been very active with his troop, participating in many scout activities. Over the many years Clayton has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community. Most notably, Clayton has earned the rank of Patrol Leader for his troop and has become a Member of the Order of the Arrow. Clayton has also contributed to his community through his Eagle Scout project. Clayton planned and constructed three picnic tables and two fire rings for Lakeside Nature Center's Camp Lake of the Woods at Swope Park in Kansas City, Missouri.

Mr. Speaker, I proudly ask you to join me in commending Clayton M. Drenner for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

### MOTION TO CONCUR IN THE SENATE AMENDMENT TO H.R. 2608 "SMALL BUSINESS PROGRAM EXTENSION AND REFORM ACT"

#### HON. SHEILA JACKSON LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 4, 2011*

Ms. JACKSON LEE of Texas. Mr. Speaker, I rise today in support of the motion to concur in the Senate amendment to H.R. 2608, "The Small Business Program Extension and Reform Act of 2011" which provides for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958. This amendment has rectified a job killing flaw that was present in the previous version of this bill. Finally, we have a relatively clean continuing resolution that does not contain any of the job killing riders that I alongside my Democratic colleagues fought so hard against.

Mr. Speaker the bill before us today is an attempt to reach a much needed compromise in the nick of time. By passing this bill today we will enable the government to remain open and continuing to serve the needs of the American people. At a time when the central issue before our country should be jobs and the creation of jobs to advance our economy. We keep retuning to measures that result in inaction and today we have done what the American people expect, found common ground. However, we lost a lot of precious time that should have been focused on jobs. Instead, we spent weeks on portions of this measure that were not going to garner support.

The current Continuing Resolution would extend the FY 2011 discretionary funding level at approximately 98.5 percent for agencies and programs through November 18 of this year. This approximate 1.5 percent cut seeks to bring the level of funding in line with the Budget Control Act, which capped FY 2012 discretionary spending at \$1.043 trillion. It also contains various anomalies, including: keeping the postal service solvent through Nov. 18; extending flood insurance through Nov. 18; cutting funding for Overseas Contingency Operations (Pakistan, Afghanistan); giving DC access to its local funds; authorizing DHS to work on national special security events; and renewing import restrictions against Burma.

I have consistently implored my colleagues to come to the aid of Americans as they have always done during times of natural disaster. This measure now provides \$2.65 billion, a number which OMB Director Jack Lew has said should be sufficient through Nov. 18. Additionally, it requires the Homeland Security Department to provide a full accounting of disaster relief funding requirements for FY 2012 no later than 15 days after the date of enactment, and to provide an account of their requirements to meet the department's needs in FY 2013 in the President's budget request next year. It also extends, through Nov. 18,

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

parts of the flood insurance program, including the extension of potential new contracts for flood insurance under the National Flood Insurance Program. Finally we as a body are reflecting the level of compassion that the American people have come to expect. We have stopped using Disaster Relief funding as a political football; and instead addressing the needs of Americans who find themselves the victims of unforeseeable natural disasters.

I hope that this is a reflection that now is not the time to trample on the needs of small business owners. Now is not the time to delay assistance to those who need support from FEMA. Now is the perfect time to come together for a partisan position that would only have caused more Americans to suffer while they have to wait on Congress to find balance. Now is the time for balance and reason.

Small businesses have long been the bedrock of our nation's economy. Even with the advent of modern-day multi-national corporations most of our day-to-day purchases take place at "mom and pop" small businesses. Small businesses need access to loans and other lines of credit in order to build their businesses and create jobs. They are the life blood of our economy. These businesses, the "mom and pop" shops across our nation are no longer being held hostage by my colleagues across the aisle at the expense of jobs.

At a time when our nation needs every single job we can create. Before us is finally a measure that would allow small businesses to get the support they need. We need job creation to help families survive on smaller and smaller pay checks.

As the Representative for Houston, which suffered severe damage in 2008 as a result of Hurricane Ike, I understand the importance of clean up and rebuilding in the wake of natural disaster. Federal Emergency Management Administration, FEMA, addresses the challenges our communities face when we are confronted with a catastrophic event or a domestic terrorist attack. It is important for people to understand that our capacity to deal with hurricanes directly reflects our ability to respond to a terrorist attack in Texas or New York, an earthquake in California, or a nationwide pandemic flu outbreak.

We must continue to fund disaster relief. These are unforeseeable events. The devastating hurricanes we have had in Texas in recent years is a perfect example. Our federal response to those events in the past only demonstrates a need for significant and consistent improvement. During Hurricane Katrina, there were insufficient quantities of generators, forcing hospitals to evacuate patients. Local governments waited days for commodities like ice, water, MREs, and blue tarps. Evacuees from Texas arrived in Shreveport and Bastrop shelters that were grossly unfit for occupancy, and 2,500 people were forced to use the same shower facility.

We must prepare our first responders with the best information and training to quickly analyze and share information to understand alerts and warning systems, evacuation planning, mission assignments to other agencies, contingency contracting, pre-staged resources, Regional Hurricane Plans and exercises, communications support, citizen preparedness, disaster housing, and long-term recovery planning. In order to accomplish this we must fund FEMA, not at the expense of Small business

but because Americans come together at times of crisis. This should be what it has always been emergency funding.

Emergency preparedness is not the exclusive responsibility of the federal government or individual agencies within it. State and local officials, nonprofit organizations, private sector businesses, and individual citizens must all contribute to the mission in order for our nation to succeed at protecting life and property from disasters. Recovery and mitigation are critical to protecting communities from future threats, and our ability to respond will suffer if we do not focus attention and resources on those missions.

On any given day the City of Houston faces a widespread and ever-changing array of threats, such as: terrorism, organized crime, natural disasters and industrial accidents. Cities and towns across the nation face these and other threats. Indeed, every day, ensuring the security of the homeland requires the interaction of multiple Federal departments and agencies, as well as operational collaboration across Federal, State, local, tribal, and territorial governments, nongovernmental organizations, and the private sector. This collaboration and cooperation undergirds our security posture at our borders and ports, our preparedness in our communities, and our ability to effectively react to crises. Consider the devastation that was brought by the tornadoes in Alabama and the Southern United States, the flooding that has impacted the entire Mississippi river region, from Montana to Tennessee, and tornado that claimed more than 100 lives in Joplin, Missouri, have shown us that there are disasters we cannot predict, and forces of nature for which we cannot plan.

We should not be focused on any measure that would be a job killer, or any measures that would be an affront to growing small businesses or will destroy thousands of jobs.

I have been firmly committed to supporting small businesses and this legislation as written will fail to help create the jobs we need at this time. Moreover, 99 percent of all independent companies and businesses in the United States are considered small businesses. They are the engine of our economy, creating two-thirds of the new jobs over the last 15 years. America's 27 million small businesses continue to face a lack of credit and tight lending standards, with the number of small business loans down nearly 5 million since the financial crisis in 2008.

According to the U.S. Small Business Administration, these small businesses account for 52 percent of all U.S. workers. These small businesses also provide a continuing source of vitality for the American economy. Small businesses in the U.S. produced three-fourths of the economy's new jobs between 1990 and 1995, and represent an entry point into the economy for new groups. Women, for instance, participate heavily in small businesses.

The number of female-owned businesses climbed by 89 percent, to an estimated 8.1 million, between 1987 and 1997, and women-owned sole proprietorships were expected to reach 35 percent of all such ventures by the year 2000. Small firms also tend to hire a greater number of older workers and people who prefer to work part-time.

A major strength of small businesses is their ability to respond quickly to changing economic conditions. They often know their customers personally and are especially suited to

meet local needs. There are tons of stories of start-up companies catching national attention and growing into large corporations. Just a few examples of these types of start-up businesses making big include the computer software company Microsoft; the package delivery service Federal Express; sports clothing manufacturer Nike; the computer networking firm America OnLine; and ice cream maker Ben & Jerry's.

We must always ensure that we place a high level of priority on small businesses. It is important that we work towards ensuring that small businesses receive all the tools and resources necessary for their continued growth and development.

American small businesses are the heart beat of our nation. I believe that small businesses represent more than the American dream—they represent the American economy. Small businesses account for 95 percent of all employers, create half of our gross domestic product, and provide three out of four new jobs in this country.

Small business growth means economic growth for the nation. But to keep this segment of our economy thriving, entrepreneurs need access to loans. Through loans, small business owners can expand their businesses, hire more workers and provide more goods and services. The Small Business Administration, SBA, a federal organization that aids small businesses with loan and programs, is a key provider of support to small businesses. The SBA's main loan program accounts for 30 percent of all long-term small business borrowing in America.

I have worked hard to help small business owners to fully realize their potential. That is why I support entrepreneurial development programs, including the Small Business Development Center and Women's Business Center programs. These initiatives provide counseling in a variety of critical areas, including business plan development, finance, and marketing. We must consider what impact changes in this appropriations bill will have on small businesses.

There are 5.8 million minority owned businesses in the United States, representing a significant aspect of our economy. In 2007, minority owned businesses employed nearly 6 million Americans and generated \$1 trillion dollars in economic output.

Women owned businesses have increased 20 percent since 2002, and currently total close to 8 million. These organizations make up more than half of all businesses in health care and social assistance.

My home city of Houston, Texas is home to more than 60,000 women owned businesses, and more than 60,000 African American owned businesses.

According to a 2009 report published by the Economic Policy Institute, "Starting in 2004, the Small Business Administration, SBA, set goals for small business participation in federal contracts. It encouraged agencies to award contracts to companies owned by women, veterans, and minorities or those located in economically challenged areas and gave them benchmarks to work toward. The targets are specific: 23 percent of contracts to small business, 5 percent to women-owned small businesses, and 3 percent to disabled veteran-owned and HUBZone small businesses."

Women and minority owned businesses generate billions of dollars and employ millions

of people. They are certainly qualified to receive these contracts. A mandatory DOD outreach program would make women and minority owned businesses aware of all of the contract opportunities available to them.

Facts: Small businesses are important because they:

(1) Represent 99.7 percent of all employer firms, (2) employ just over half of all private sector employees, (3) pay 44 percent of total U.S. private payroll, (4) generated 64 percent of net new jobs over the past 15 years, (5) create more than half of the nonfarm private gross domestic product, GDP, (6) hire 40 percent of high tech workers (such as scientists, engineers, and computer programmers), (7) are 52 percent home-based and 2 percent franchises, (8) made up 97.3 percent of all identified exporters and produced 30.2 percent of the known export value in FY 2007, and (9) produce 13 times more patents per employee than large patenting firms and twice as likely as large firm patents to be among the one percent most cited.

Republicans appear to be on a mission to cut programs that help families and that will buttress small businesses. At a time when there are Americans faced with the perils which arise during cleaning up after a natural disaster. Now. There needs to be a balance when determining which programs to cut and when. A balance to finding the funds that will address national disasters. A balanced approach is important to ensuring that small businesses receive the support they need. We have temporarily achieved that balance in this measure.

I stand here once again calling for measures that will advance job growth, create new jobs, and help small business. American families need measures that are job growers rather than measures that are jobs killers.

#### SKI AREA RECREATIONAL OPPORTUNITY ENHANCEMENT ACT OF 2011

SPEECH OF

**HON. CATHY McMORRIS RODGERS**

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

*Monday, October 3, 2011*

Mrs. McMORRIS RODGERS. Mr. Speaker, I rise in strong support of H.R. 765, the Ski Area Recreation Opportunity Enhancement Act of 2011, which updates the Ski Area Permit Act to reflect the wide range of recreational activities that are taking place at ski areas on National Forest System lands.

Having previously introduced similar legislation and as a cosponsor of H.R. 765, I have long supported this commonsense permit reform. Giving ski resorts on National Forest lands the opportunity to offer alternatives to traditional winter downhill activities year-round will help grow the economies of local communities and create jobs.

For instance, in Eastern Washington nestled among 2,450 acres of the Northwest Rockies, 49° North Mountain Resort—Eastern Washington's most family friendly resort—will be able to offer year-round family friendly opportunities. At zero cost to the taxpayers, this bill is an easy way to help increase the productivity of businesses on National Forest System lands.

Mr. Speaker, I urge all of my colleagues to support this commonsense reform that will help grow our economy while maintaining careful stewardship of our National Forest System lands.

IN RECOGNITION OF THE MEMBERS OF THE CHALDEAN AMERICAN LADIES OF CHARITY AS THEY CELEBRATE FIFTY YEARS OF SERVICE TO CHALDEAN FAMILIES IN SOUTHEAST MICHIGAN

**HON. GARY C. PETERS**

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 4, 2011*

Mr. PETERS. Mr. Speaker, I rise today to recognize the Chaldean American Ladies of Charity (CALC) as it celebrates fifty years of service to the Chaldean community of metro Detroit.

Established in 1961 by twenty women volunteers, CALC's mission has been to assist needy Chaldean families in Southeast Michigan. CALC initially focused on providing care and support to the elderly and sick, but has transitioned and expanded its services as the needs of the community have evolved.

As the greater Detroit region has developed over the last half century, Chaldean Americans have grown with it, becoming an integral part of the community. Over time, as the Chaldean population has grown and new generations have been raised outside their ancestral homeland, CALC has taken a leading role in helping Chaldean Americans preserve their culture and history. Furthermore, CALC has also become a valuable bridge to the broader community, sharing the rich history and culture of Iraqi Catholics. And most importantly, CALC has taken on the responsibility of helping newly arrived Chaldean refugees integrate and become successful members of the community by providing basic services and support for those who need more critical services.

As CALC celebrates its fiftieth anniversary, the success of the organization can be seen in its seven hundred volunteers who continue its mission of serving Chaldean families in need with a dynamic set of initiatives and programs. By collecting and distributing essential supplies to newly arrived Chaldean refugees and families facing obstacles, CALC is the most crucial community support mechanism. Today, CALC provides a comprehensive set of youth programs that provide cultural, educational and recreational enrichment opportunities to promote strong scholarship and citizenship in Chaldean American youth. A fully developed series of programs for families in need provides educational scholarships, essential material assistance in food and clothing and free health services to uninsured families. In order that its mission endures, CALC's Chaldean Angels program teaches the next generation of young women the importance of community service. Under the leadership of my friend, President LeeAnn Kirma, CALC not only supplies precious material resources, but brings hope to the dispirited.

Mr. Speaker, as the Chaldean American Ladies of Charity celebrates its fiftieth anniversary, I rise to join its members and honor their decades of service to Chaldean families across Southeast Michigan, which has greatly

strengthened and enriched the metro Detroit community. As CALC continues its mission, I look forward to continuing my work with its members in our shared goal of building a bright future for Michigan and putting the American Dream within reach for all.

HONORING JAY ROBERT CURLESS III

**HON. SAM GRAVES**

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 4, 2011*

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Jay Robert Curless III. Jay is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 332, and earning the most prestigious award of Eagle Scout.

Jay has been very active with his troop, participating in many scout activities. Over the many years Jay has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community. Most notably, Jay has contributed to his community through his Eagle Scout project. Jay planned and constructed a bed rail system that allows with disabilities to use the camp cabins at the Rotary Youth Camp in Lee's Summit, Missouri. Jay also plans to complete his college education and enlist as an officer in the United States Navy.

Mr. Speaker, I proudly ask you to join me in commending Jay Robert Curless III for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

#### RECOGNIZING THE 100TH ANNIVERSARY OF TEN TEN DAY FOR THE PEOPLE OF TAIWAN

**HON. MADELEINE Z. BORDALLO**

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 4, 2011*

Ms. BORDALLO. Mr. Speaker, I rise today to congratulate the people of Taiwan on the celebration of the 100th anniversary of "Ten Ten Day." Ten Ten Day traces its roots to the Wuchang Uprising that occurred on October 10, 1911, and that signaled the end of the Qing Dynasty and the start of a democratic movement that we continue to celebrate today. Ten Ten Day is a celebration of the end of tyranny for the Chinese people and the birth of democracy. It is significant to all freedom loving people throughout the world.

I want to especially recognize the people of Taiwan on this most important occasion. Taiwan has much to celebrate and it is a thriving economic force in Asia, due to its visionary leadership. I met with President Ma Ying-jeou and I commend his efforts to promote trade and improve relations between Taiwan and China. Guam is home to many people of Chinese ancestry and our island continues to benefit from their cultural contributions to our community and the promotion of trade and economic opportunities.

I congratulate the people of Taiwan on the 100th anniversary of Ten Ten Day. We celebrate this historic occasion with them and we

honor their friendship with the American people. We wish them many years of future prosperity and we thank them for their friendship.

#### TAIWAN'S 100TH ANNIVERSARY

##### HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 4, 2011*

Mr. ENGEL. Mr. Speaker, on October 10th, the Republic of China (Taiwan), one of the closest friends of the United States in the Pacific, will be celebrating its 100th Anniversary of the Chinese Revolution. I would like to congratulate Taiwan on this historic milestone, and I urge my colleagues to do the same.

October 10th, 1911 marks the beginning of what was the Wuchang Uprising, which ultimately brought an end to the Qing Dynasty's 268-year rule in China. The fall of the Dynasty's resulted in the establishment of the Republic of China (Taiwan), which was then immediately recognized by the United States as the sole and legitimate government of China.

In these 100 years, Taiwan has evolved into a shining example of democracy. As the country liberalized and opened up to the world, its political system has progressed into one of the strongest democratic systems in Asia, evidenced most recently by holding free and fair presidential elections. While these significant achievements took place, the U.S.-Taiwan relationship transformed from one based solely on shared interests to one based on shared values. Our mutual respect for human rights and dignity, and our belief in a strong democratic system of government has allowed this relationship to flourish.

I congratulate the Taiwanese on this historic 100-year occasion, and I look forward to helping further develop the close relationship between the United States and Taiwan as we move forward into the 21st Century.

#### TO COMMEND MS. EUGINIA MILIONIS FOR 49 YEARS OF SERVICE AS A CROSSING GUARD

##### HON. DANIEL LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 4, 2011*

Mr. LIPINSKI. Mr. Speaker, I rise today to recognize Ms. Euginia Milionis, an exemplary citizen of Illinois' Third Congressional District, for her dedicated service to the students of the Villages of Bridgeview and Justice. Ms. Milionis is retiring after forty-nine years as a crossing guard, exercising diligence and commitment to ensuring the safety of the youngest members of our community.

Ms. Milionis served the past twenty-one years stationed at the busy intersection of 79th Street and Roberts Road. In rain, shine, sleet, and snow, Ms. Milionis has always been present with a warm smile and welcoming wave. Her commitment to local children has inspired others to become involved in their community as well. Ms. Milionis' daughter, Dina, has also worked as a crossing guard for several years. In commemoration and gratitude for Ms. Milionis' many years of service, both Lyons Township and the Village of

Bridgeview have awarded her plaques of recognition.

I am happy to recognize Ms. Euginia Milionis' efforts and contributions to her community. Her dedication to ensuring a safe commute for students truly serves as an inspiration to others. I am distinctly proud to count her among the fine citizens of the Third District of Illinois, and I wish her a long and happy retirement.

#### 50TH ANNIVERSARY OF THE COOLSPRING DEMOCRATIC CLUB

##### HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 4, 2011*

Mr. VISCLOSKY. Mr. Speaker, it is my distinct honor to rise today to honor one of Indiana's fine organizations, the Coolspring Democratic Club, and to congratulate its membership as they celebrate the club's 50th Anniversary. In honor of this momentous occasion, the members of the Coolspring Democratic Club will be celebrating with dinner and entertainment on Saturday, October 8, 2011, at the American Legion Post 37 in Michigan City, Indiana.

The Coolspring Democratic Club, which was founded in 1961, was established to promote the general ideals of the Democratic Party in LaPorte County and to promote the general welfare of the entire community. In 1961, nine individuals formed the first committee, led by its commanders, Mr. and Mrs. Elvin Rodgers. Mr. and Mrs. Rodgers, along with the other committee members, had the foresight and initiative to foster change in their community and bring Democratic principles to anyone who sought to impact society in a positive way. This original committee, as well as all past and present members, will be honored at the Anniversary celebration for their commitment to promoting the ideals of the Democratic Party.

The Coolspring Democratic Club continues to uphold its mission set forth by its founding members under the leadership of its current Committee President, Dawn Proud, Vice President, Johnny Stimley, Secretary, Pat Steele, and Treasurer, Bonnie Hunt. These dedicated individuals have worked tirelessly to provide for the LaPorte County community and to promote patriotism and altruism among their neighbors.

Mr. Speaker, I ask that you and my other distinguished colleagues join me in honoring and congratulating the Coolspring Democratic Club on its 50th Anniversary. I also ask that you join me in honoring its membership for their service to their community. Through the years, the organization's members have graced us with their patriotism and benevolence and are to be recognized for their selflessness and commitment to their fellow citizens.

#### IN HONOR OF TAIWAN'S CENTENNIAL NATIONAL DAY

##### HON. KENNY MARCHANT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 4, 2011*

Mr. MARCHANT. Mr. Speaker, I extend my congratulations and best wishes to President Ma Ying-jeou on the occasion of Republic of China (Taiwan)'s Centennial National Day. This national holiday commemorates the 1911 Wu-ch'ang uprising that ended centuries of monarchy and led to the birth of the Republic of China.

Taiwan and the United States enjoy a robust relationship that reflects our two countries' historical, cultural and economic ties over the last century. Despite lack of formal relations between the two countries, the United States and Taiwan continue to be strong partners in trade, cultural and educational exchanges as well as cooperation in many other areas. Taiwan's cooperation with the United States in combating global terrorism has earned the trust of the American people and boosted exchanges and friendship between our two nations. Such relations also extend to discussions over Taiwan's military needs. A strong Taipei-Washington relationship is in both governments' best interests for the stability of East Asia. Last year, we celebrated the 31st anniversary of the enactment of the Taiwan Relations Act, the cornerstone of U.S.-Taiwan relations.

My additional congratulations to the people of Taiwan for their continued participation in the World Health Assembly meetings this May in Geneva. I hope Taiwan will also soon join the International Civil Aviation Organization (ICAO).

I join my fellow colleagues in wishing the people of Taiwan a joyous Centennial National Day celebration and look forward to expanding our strong relationship.

#### WORLD SPACE WEEK

##### HON. MICHAEL G. FITZPATRICK

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 4, 2011*

Mr. FITZPATRICK. Mr. Speaker, today the Franklin Institute of Philadelphia and the NASTAR Foundation will kick off World Space Week by welcoming Shuttle Commander Chris Ferguson, who led the final U.S. shuttle mission to the International Space Station. When the shuttle returned on July 20, it marked the end of a 30-year NASA program. Ferguson's mission, the 33rd flight of Atlantis, was the 37th shuttle mission to the space station, and the 135th and final mission of NASA's Space Shuttle Program.

Commander Ferguson was born in Philadelphia, Pennsylvania, and his mother Mary Ann and stepfather Norman now reside in Langhorne, Bucks County. Ferguson graduated from Archbishop Ryan High School in Philadelphia, and received his Bachelor of Science degree in mechanical engineering from Drexel University. Throughout his career, Ferguson has earned many commendations, including the Legion of Merit, Distinguished Flying Cross, Navy Strike-Flight Air Medal and three NASA Spaceflight Medals.

Commander Ferguson is a decorated military officer, and a distinguished son of Pennsylvania. The 8th District of Pennsylvania and I are proud to honor him this week.

100TH ANNIVERSARY OF THE PROTECTION OF THE VIRGIN MARY ORTHODOX CHURCH

**HON. PETER J. VISCLOSKY**

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 4, 2011*

Mr. VISCLOSKY. Mr. Speaker, it is with great pleasure that I congratulate Protection of the Virgin Mary Orthodox Church as its congregation joins together in celebration of its 100th Anniversary. The congregation, along with Parish Pastor, Father Peter Bodnar, and Parish Council President, Nick Rozdelsky, celebrated this momentous milestone with a celebratory reception on Sunday, October 2, 2011, at the Saint Elijah Serbian American Hall in Merrillville, Indiana.

Protection of the Virgin Mary Church was originally established in Gary, Indiana, on September 28, 1911, when a group of Slavic, Christian immigrants joined together with the goal of preserving Christian Orthodox religious traditions. At that time, many immigrants moved to Gary in search of employment opportunities created by the growing steel industry. The church services were first held at a rental location in Gary, but a lack of funds led church elder Kondrat Krenitsky to provide a room in his home for services to be held. After some time, members were able to secure a location for the church, and on September 8, 1912, a new church was dedicated and consecrated in Gary, Indiana. The church became widely known as Saint Mary's. The first permanent pastor was Reverend Benjamin Kedrovsky, who held his position until 1957. Saint Mary's continued to grow, and in January 1962, a new church, also located in Gary, was consecrated by His Eminence Archbishop John Garklavs. Nearly four decades later, the church leaders and parishioners built a new church and relocated to its current location in Merrillville, Indiana, where services began in the year 2000.

Other pastors of the parish throughout the years include: Father Sergei Garklavs, Father Peter Rozdelsky, Father John Zabinko, Father Thomas Brown, Father Blagoy Topuzliev, Father William Bass, and current pastor, Father Peter Bodnar.

The parishioners of Saint Mary's Church have always been active and generous in their support of numerous civic endeavors, contributing to projects such as the construction of a Permanent Shrine in San Francisco for the Miraculous Ikon, the Holy Virgin Mary of Kazan, and the Midwest Diocesan Expansion Program.

Mr. Speaker, I ask that you and my other distinguished colleagues join me in honoring and congratulating Protection of the Virgin Mary Orthodox Church of Merrillville, Indiana, on its 100th Anniversary. Through many hardships, the members of Saint Mary's have dedicated themselves to preserving Christian Orthodox traditions and spiritual beliefs. For their commitment to service, and for touching the lives of countless individuals, they are worthy of the highest praise.

REPUBLIC OF CHINA (TAIWAN)  
100TH ANNIVERSARY

**HON. JOHN J. DUNCAN, JR.**

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 4, 2011*

Mr. DUNCAN of Tennessee. Mr. Speaker, One of our closest allies and best friends in the world of nations is the Republic of China (Taiwan).

October 10th will be a very special day for the people of Taiwan as that country will celebrate its 100th anniversary.

Taiwan and the United States have been very special and close friends since shortly after World War II, and this relationship was formalized in law by the passage of the Taiwan Relations Act of 1979.

Taiwan has seen multitudes of economic miracles take place in the second half of the twentieth century and the early years of this century, because that nation has followed a free market, free enterprise system closer than almost any other country.

I had the privilege of spending a week in Taiwan along with Congressman PETE SESSIONS and former Congressman Sonny Calahan around ten years ago. The Taiwanese people could not have been kinder or more impressive to us than during that visit.

The University of Tennessee started having a large number of students coming from Taiwan in the early 1960s because a man from that nation, Nelson Nee, was head of the U.T. International Students Program. Many of these students became, and many still are, leaders in the Republic of China.

As I was leaving Taiwan during my visit years ago, I asked one of the officials how you said, "Thank you for your friendship" in Chinese. She wrote out the words, "Shieh Shieh Ni De Yo Yi."

Whether this is exactly correct or not, and I hope it is, I will take this time to say I am thankful for the friendship of the people from Taiwan.

I congratulate them on this 100th anniversary, and I believe that as long as they allow their people the utmost freedom, Taiwan will remain a prosperous and dynamic nation into the future.

TRIBUTE TO HONOR FLIGHT OF OREGON

**HON. GREG WALDEN**

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 4, 2011*

Mr. WALDEN. Mr. Speaker, I rise to recognize the 27 World War II veterans from Oregon who will be visiting their memorial this Friday in Washington, D.C. through Honor Flight of Oregon. On behalf of a grateful state and country, we welcome these heroes to the nation's capital.

The veterans on this flight from Oregon are: William Raupp, U.S. Air Force; Russell Blower, U.S. Army; William Brown, U.S. Army; Glenn Butler, U.S. Army; Earl Davis, U.S. Army; Howard Heinz, U.S. Army; LeRoy Hopkins, U.S. Army; David Kyle, U.S. Army; Harold "Bud" Loucks, U.S. Army; Robert Rampy, U.S. Army; Harrison "Robbie" Robbins, U.S.

Army; Anthony DelCollo, U.S. Army Air Corps; Leo Kraft, U.S. Marine Corps; Joseph Lavalley, U.S. Marine Corps; Charlotte "Sharkey" Meyer, U.S. Marine Corps; Michael Pershem, U.S. Marine Corps; Francis Welsh, U.S. Marine Corps; Donald Ayriess, U.S. Navy; John Brazie, U.S. Navy; Jack Buckley, U.S. Navy; Kenneth Deacon, U.S. Navy; Keith Frey, U.S. Navy; Melvin Leroy Kerber, U.S. Navy; Margaret Lutz, U.S. Navy; James Petralba, U.S. Navy; Allan Westphal, U.S. Navy; Frank Smith, U.S. Navy.

These 27 heroes join more than 63,000 veterans from across the country who, since 2005, have journeyed from their home states to Washington, D.C. to reflect at the memorials built in honor of our nation's veterans.

Mr. Speaker, each of us is humbled by the courage of these soldiers, sailors, airmen and marines who put themselves in harm's way for our country and way of life. As a nation, we can never fully repay the debt of gratitude owed to them for their honor, commitment, and sacrifice in defense of the freedoms we have today.

My colleagues, please join me in thanking these veterans and the volunteers of Honor Flight of Oregon for their exemplary dedication and service to this great country. I especially want to recognize and thank Gail Yakopatz for her tireless work as president of Honor Flight of Oregon.

DOE CREEK SCHOOL

**HON. MARSHA BLACKBURN**

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 4, 2011*

Mrs. BLACKBURN. Mr. Speaker, over 140 years ago, recognizing the need for a gathering place of worship and of academics, members of the Doe Creek community built a one-room school house. Fashioned from hewn logs and built on a stone pier foundation during the Civil War era, the school saw its last student in 1948 and fell out of use. Accurately reconstructed and refurbished in 2007, the Doe Creek School is now listed on the National Register of Historic Places.

One of the remaining one-room school houses in existence, the Doe Creek School continues to be a place of learning and gathering. With funds raised by the Doe Creek community, and built with hands laboring by another's cause, the restoration brought friend and neighbor together in a way that only shared history is able. Just as in generations past, the Doe Creek School will be a place for generations to come to share stories and learn from each other.

I rise today in support of the Doe Creek Restoration Committee as they celebrate being named to the National Register of Historic Places. I appreciate the dedication of all who worked to see this day, and thank the Committee and surrounding community for recognizing the great value in holding firm to one's roots. I ask my colleagues to stand with me in thanking those who offered their time, talents, and treasure to see their history regained.

IN CELEBRATION OF THE 100TH ANNIVERSARY OF THE REPUBLIC OF CHINA (TAIWAN) MONDAY, OCTOBER 3, 2011

## HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 4, 2011*

Mr. RANGEL. Mr. Speaker, a very significant milestone is upon us. The Republic of China (Taiwan), our close friends in Asia, will be celebrating their 100th anniversary on October 10th, 2011.

Many congratulations are in order for Taiwan and their President Ma Ying-jeou on this special occasion. With all the turmoil in the middle-east, Taiwan should be an inspiration to those countries that are looking to have a government of the people and for the people.

Taiwan is a very young democracy, only having their first Presidential elections in 1996. During this time, though, they have had three peaceful transfers from one party to another. Long gone is authoritarian rule; it has been replaced with a true democracy.

As a proud American and a believer in the democratic process, it is refreshing to see Taiwan following in our footsteps when it comes to governing their people.

My hope is that countries throughout the world that are in crisis can look at Taiwan as another example of how to structure a government that enables both its country and people to thrive.

Again, congratulations to The Republic of China (Taiwan) on your 100th anniversary.

## 2011 APPRENTICE GRADUATES OF THE ROOFERS LOCAL UNION 26

## HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 4, 2011*

Mr. VISCLOSKY. Mr. Speaker, it is with great sincerity and respect that I offer congratulations to several of Northwest Indiana's most talented, dedicated, and hardworking individuals. On Saturday, October 15, 2011, the Roofers Local Union 26 will honor the graduating class of 2011 at the Annual Apprentice Graduation Banquet, which will be held at The Patio Restaurant in Merrillville, Indiana.

At this year's banquet, the Roofers Local Union 26 will recognize and honor the 2011 Apprentice Graduates. The individuals who have completed their apprentice training in 2011 are: Nathan Chandler, Robert Crachy, Justin Greenleaf, Stephen Hahn, Jason Hilgeman, Donald Holsclaw, Kevin Hudson, James Johnson, Ryan Kalwa, Christopher Magley, Henry Patterson III, Danny Powell, Antonio Sanyet, Nicholas Sallay, Alfonso Uribe, and Brian Whitaker.

Northwest Indiana has a rich history of excellence in its craftsmanship and loyalty by its tradesmen. These graduates are outstanding examples of each. They have mastered their trade and have demonstrated their loyalty to both the union and the community through their hard work and selfless dedication.

Mr. Speaker, I ask that you and my other distinguished colleagues join me in congratulating these dedicated and hardworking indi-

viduals. Along with the other men and women of Northwest Indiana's unions, these individuals have committed themselves to making a significant contribution to the growth and development of the economy of the First Congressional District, and I am very proud to represent them in Washington, DC.

## HONORING THE CONTRIBUTION OF DR. BARBARA-ANN WEINSTEIN ED.D

## HON. THEODORE E. DEUTCH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 4, 2011*

Mr. DEUTCH. Mr. Speaker, I rise today in honor of Dr. Barbara-Ann Weinstein, recipient of the Leadership Broward Foundation's Outstanding Broward Leader Award. Each year the Leadership Broward Foundation honors a select group of individuals who have distinguished themselves through outstanding service and a commitment to our community. As President of Family Central of Broward County, Dr. Weinstein is the embodiment of these values. I can think of no one more deserving of this award than someone who has devoted her career to promoting the welfare of children and their families in South Florida.

Dr. Weinstein has been a strong advocate for children through Family Central since 1985. Over the years, her guidance, support, and dedication led Family Central to provide a variety of educational services and family support in Broward, Palm Beach and Miami-Dade Counties. For nearly 40 years, this organization has played a pivotal role in the lives of South Florida families by strengthening the social, emotional and economic ties that family members have to one another, as well as to their community. Last year alone, Family Central's vital services reached more than 130,000 South Florida clients.

I am so pleased that Ms. Weinstein has been selected as an honoree. Her commitment to children and families has been essential to providing a strong foundation for South Florida's children.

## TAIWAN'S CENTENNIAL NATIONAL DAY

## HON. RICHARD L. HANNA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 4, 2011*

Mr. HANNA. Mr. Speaker, on Taiwan's fast approaching Centennial National Day this October 10, I salute the people in Taiwan for their many accomplishments, including the completion of the Economic Cooperation Framework Agreement (ECFA) with the People's Republic last year. The recent rapprochement between Taiwan and mainland China have also reduced tensions across the Taiwan Strait. The people of Taiwan no longer fear imminent hostile actions from the mainland and will be able to live peacefully and even meet and interact with tourists from the mainland.

However, the current amity between the two sides does not eliminate the need for the United States to continue to provide weapons

for Taiwan's defense under the Taiwan Relations Act. We need to expedite the sale of F-16 C/D fighters to Taiwan to replace Taiwan's aging air force and maintain air power balance power across the Taiwan Strait. Arms sales to Taiwan can maintain stability in East Asia by making it more difficult for the PRC to bully Taiwan now and in the future. Besides, the PRC still has more than one thousand missiles aimed at Taiwan. It is necessary for Taiwan to maintain strong military self-defense capabilities.

It is also my view that we should support Taiwan's participation in global affairs by helping Taiwan become an observer of the International Civil Aviation Organization (ICAO) and other United Nations' specialized agencies. An internationally visible Taiwan is a strong Taiwan.

Taiwan is our major trading partner and collaborating with us in many other areas. Our strong economic and cultural ties to the Republic of China (Taiwan) go back a hundred years. I am certain that this strong bond will continue for another one hundred years and more.

## NICK GIANIKOS, AHEPAN OF THE YEAR

## HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 4, 2011*

Mr. VISCLOSKY. Mr. Speaker, it is with great pleasure and admiration that I stand before you today to honor Nick Gianikos as he is recognized by the American Hellenic Educational Progressive Association (AHEPA) as Chapter, District, and National Ahepan of the Year. AHEPA will be honoring Nick at the AHEPA, Chapter 78 meeting on October 5, 2011, at the Hobart Lodge in Hobart, Indiana.

The Order of AHEPA was founded on July 26, 1922, in Atlanta, Georgia, joining the NAACP and B'nai B'rith in the effort to end racism, bigotry, and discrimination against all immigrants. AHEPA was founded on the principles of ancient Greece promoting civic responsibility, education, philanthropy, family, and individual excellence through volunteerism and community service.

Nick Gianikos, Chapter 78 President of Philanthropy, has been a tremendous leader and a true inspiration. He has been able to touch the lives of many individuals through his position and has done so passionately and persistently. Through these trying economic times, the number of people in need is great. Due to Nick's direction and unwavering dedication, he has been able to plan and execute several projects with the help of other devoted Ahepan brothers and the chapter's Philanthropy Committee. For his outstanding commitment to serving those in need, Nick is to be commended.

Under Brother Gianikos's leadership, Chapter 78's Philanthropy Committee has initiated projects, team visits, and social events with many organizations, including: the Ross Township Food Pantry and Senior and Disabled Bus Service Support, Christian Haven House, Meals on Wheels, Veterans for Life Changing Services, Saint Jude House, Saints Monica and Luke Soup Kitchen, Saint Iakovos Church, Saints Constantine and Helen Church, Sojourner Truth House, Rebuilding South Lake

County, the Salvation Army, and the Merrillville Boys and Girls Club. In addition, this past year, Nick chaired the Chapter 78 Membership Committee, which focused on finding new members who wish to participate in AHPEA functions and commit to projects that adhere to AHEPA's goals.

Brother Gianikos's commitment to AHEPA and to serving others in the community of Northwest Indiana is exceeded only by his devotion to his amazing family. He and his wonderful wife Maureen have two beloved children and five adoring grandchildren.

Mr. Speaker, at this time, I ask that you and my other distinguished colleagues join me in congratulating AHEPA and Brother Nick Gianikos as he is recognized as Ahepan of the Year for his excellent leadership, perseverance, and everlasting enthusiasm shown through his service to so many in need throughout Northwest Indiana and across the nation. For his outstanding contributions to Indiana's First Congressional District, Nick is worthy of the highest praise.

#### A TRIBUTE TO ZACH WEIGEL

#### HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 4, 2011*

Mr. LATHAM. Mr. Speaker, I rise today to recognize and congratulate Zach Weigel of Elma, Iowa for achieving the rank of Eagle Scout.

The Eagle Scout rank is the highest advancement rank in scouting. Only about five percent of Boy Scouts earn the Eagle Scout Award. The award is a performance based achievement whose standards have been well-maintained over the years.

To earn the Eagle Scout rank, a Boy Scout is obligated to pass specific tests that are organized by requirements and merit badges, as well as completing an Eagle Project to benefit the community. Zach's Eagle Scout project involved refinishing a historic monument in the Elma community. In addition to this project Zach also took it upon himself to improve the community's bike trail by landscaping and erecting signage for the Old Roundhouse Trail.

Mr. Speaker, the example set by this young man and his supportive family demonstrates the rewards of hard work, dedication and perseverance. I am honored to represent Zach and his family in the United States Congress. I know that all of my colleagues will join me in congratulating him on achieving an Eagle Scout ranking and will wish him continued success in his future education and career.

#### CELEBRATING TAIWAN'S 100 YEAR ANNIVERSARY

#### HON. MAURICE D. HINCHEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 4, 2011*

Mr. HINCHEY. Mr. Speaker, I rise today to congratulate the Republic of China (Taiwan) on its monumental 100-year anniversary celebrated on October 10, 2011.

Taiwan's strong commitment to democratic ideals has made it a beacon of democracy in

Southeast Asia. Its people enjoy the ability to decide their country's future with their right to full participation in the election of their representatives.

The democratic success of Taiwan has coincided with significant economic achievements. Today, Taiwan's economy is the seventeenth largest in the world, and the United States' ninth largest trading partner. Additionally, the nation is globally recognized as a major innovator of information technology products.

This is an exciting time for the Taiwanese people, and I am honored to help them celebrate their 100th anniversary.

#### TRIBUTE TO NATIONAL BREAST CANCER AWARENESS MONTH

#### HON. JOE BACA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 4, 2011*

Mr. BACA. Mr. Speaker, I rise today to ask Congress to recognize October as National Breast Cancer Awareness Month (NBCAM). Sadly, every two minutes a woman is diagnosed with breast cancer, making it the most commonly diagnosed cancer in women worldwide. I extend my prayers to the women and families affected by this disease, and my appreciation to the advocates at Susan G. Komen working tirelessly on their behalf.

The 2.5 million breast cancer survivors living in the United States today are a testament both to courage, and the necessity to promote awareness for breast cancer, following recommended screening guidelines, offering treatment to those affected, and continuing to fund ground-breaking research. Early detection affords women the best chance of fighting this disease and we must understand the importance of regular mammograms and following recommended screening guidelines.

This October, Susan G. Komen for the Cure has launched the Promise Action campaign to increase breast cancer screening rates. Today Komen is the largest source of nonprofit funds dedicated to the fight against breast cancer in the world, but the organization started with a sister's promise to end the disease her dying sister was fighting. Breast cancer touches far too many families in my community and across the nation. We are all indebted to the Komen affiliates fighting every minute of every day for a world without breast cancer.

As a husband, father, grandfather, and great grandfather, I know it is essential to do all we can in Congress to ensure breast cancer research is adequately funded. This is why I have introduced legislation that would reauthorize the sale of a special-rate U.S. postage stamp, with proceeds from the stamp funding breast cancer research. In 2007, Senator DIANE FEINSTEIN and I introduced legislation that was signed into public law by the President which reauthorized the stamp through this year. The Breast Cancer stamp has been highly successful in both raising tens of millions of dollars for important research, and raising public awareness of the ongoing need to fight a disease that affects millions of American women and their families.

On behalf of my wife, Barbara, and my children, we bestow our thoughts and prayers to those women and their families suffering from

breast cancer. As we recognize October as NBCAM, we stand by all those affected by this disease. I will continue to work to raise greater awareness and promote new funding for research into breast cancer. I am hopeful that my colleagues, organizations like Komen, and families across the nation can come together to fight this disease. God bless the mothers, sisters, and daughters battling this disease, and their families for their love and support.

#### RECOGNIZING THE AIR COMMANDO ASSOCIATION AND THE AIR FORCE SPECIAL OPERATIONS COMMUNITY FOR THE 50TH ANNIVERSARY OF JUNGLE JIM AND FOR ITS CONTRIBUTIONS TO OPERATIONS DESERT STORM AND ENDURING FREEDOM

#### HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 4, 2011*

Mr. MILLER of Florida. Mr. Speaker, I rise to recognize the Air Commando Association and the Air Force Special Operations Community as they celebrate the 50th anniversary of Jungle Jim, the 20th anniversary of Operation Desert Storm, and the 10th anniversary of Operation Enduring Freedom.

Fifty years ago, in response to Soviet Premier Nikita Khrushchev's call to spread communism via "wars of liberation," the United States Air Force founded the 4400th Combat Crew Training Squadron (CCTS) at Hurlbert Field, Florida. The squadron's Airmen—hand-picked and rigorously screened—formed the backbone of a counter-guerrilla force that would eventually grow into the Air Force Special Operations Command (AFSOC). The 4400th CCTS, nicknamed "Jungle Jim," had a dual focus on training foreign air forces in counter-insurgency operations, and executing combat missions against guerrilla forces in Vietnam and other nations fighting communist insurgencies. Today, the Air Commandos based at Hurlbert Field remember Jungle Jim as the genesis of the missions they continue to execute.

By the time Operation Desert Storm began in August 1990, AFSOC had been formally established. Air Commandos from AFSOC performed direct action missions, combat search and rescue, infiltration, exfiltration, air base ground defense, air interdiction, special reconnaissance, close air support, psychological operations and helicopter air refueling. Each of these unique capabilities contributed to the stunning victory over Saddam Hussein's forces, as the coalition of nations drove the Iraqi military out of Kuwait. The dramatic successes of our Air Commandos helped further cement AFSOC's role as a premier special operations organization.

When the United States was attacked on September 11, 2001, special operations forces gained a new prominence in efforts to defend our nation. By the end of September 2001, AFSOC had deployed forces to pave the way for Operation Enduring Freedom, enabling the Northern Alliance to drive out Taliban and Al Qaeda forces who were responsible for the heinous attacks on our homeland. To this day, AFSOC maintains forces forward-deployed in defense of our nation.



Each of these landmark events represented a new point of maturation for our nation's Air Commandos. Their exploits over the years have solidified their place in our national security apparatus, and their sacrifices are remembered with solemn respect.

Mr. Speaker, on behalf of the United States Congress, I am privileged to recognize the Air Commando Association and the Air Force Special Operations Community for their service in defense of our freedom.

COMMEMORATING SHUTTLE  
COMMANDER CHRIS FERGUSON

**HON. MICHAEL G. FITZPATRICK**

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 4, 2011*

Mr. FITZPATRICK. Mr. Speaker, today the Franklin Institute of Philadelphia and the NASTAR Foundation will kick off World Space Week by welcoming Shuttle Commander Chris Ferguson, who led the final U.S. shuttle mission to the International Space Station. When the shuttle returned on July 20th, it marked the end of a 30-year NASA program. Ferguson's mission, the 33rd flight of *Atlantis*, was the 37th shuttle mission to the space station, and the 135th and final mission of NASA's Space Shuttle Program.

Commander Ferguson was born in Philadelphia, Pennsylvania, and his mother Mary Ann and stepfather Norman now reside in Langhorne, Bucks County. Ferguson graduated from Archbishop Ryan High School in Philadelphia, and received his Bachelor of Science degree in mechanical engineering from Drexel University. Ferguson also received a master of science in aeronautical engineering from the Naval Postgraduate School in 1991.

In 1986, Ferguson earned his Navy Wings and was ordered to the F-14 Tomcat training squadron in Virginia Beach, VA. Later, he joined the "Red Rippers" of VF-11, deploying to the North Atlantic, Mediterranean and Indian oceans onboard the USS *Forrestal*. In 1995, he joined the "Checkmates" of VF-211, completing a deployment to the Western Pacific and Persian Gulf in defense of the Iraqi no-fly zone on board the USS *Nimitz*. Throughout his military career, Ferguson has earned many commendations, including the Legion of Merit, Distinguished Flying Cross, and Navy Strike-Flight Air Medal.

In 1998, Ferguson reported to the Johnson Space Center. He served as spacecraft communicator for the STS-118, 120, 128 and 129 missions. Ferguson was also the pilot of STS-115, and commanded STS-126 and 135. In September 2010, he began training with a crew of four for a rescue mission that evolved into STS-135, a station cargo delivery flight that carried the Multi-Purpose Logistics Module "Raffaello." Being the final flight of Space Shuttle *Atlantis*, Commander Chris Ferguson requested that a stainless steel star cut from an original panel of the Fels Planetarium dome at the Franklin Institute be flown into space aboard the STS-135. Today, the star returns with Commander Ferguson, and will be placed on display at the Franklin Institute, for all to see.

Commander Ferguson is a decorated military officer, and a distinguished son of Penn-

sylvania. The 8th District of Pennsylvania and I are proud to honor him this week.

IN RECOGNITION OF THE 30TH AN-  
NIVERSARY OF MAXIMUM AC-  
CESSIBLE HOUSING OF OHIO

**HON. DENNIS J. KUCINICH**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 4, 2011*

Mr. KUCINICH. Mr. Speaker, I rise today in recognition of the 30th anniversary of Maximum Accessible Housing of Ohio, a non-profit organization that is committed to developing/facilitating options in housing for persons with physical disabilities.

Maximum Independent Living (MIL) was created in 1981 by Lutheran Metropolitan Ministry and Services to address the needs of people with physical disabilities for accessible and affordable housing. During the organization's first seventeen years it focused on its Vistas Apartment Communities in Cleveland, Mentor-on-the-Lake, Avon Lake, Parma and Sheffield Township. Each of the communities is fully accessible and houses more than 150 residents.

After establishing their five living communities, MIL turned its attention to advocacy and education on accessible housing. In 1998, it launched the Accessible Housing Research Center initiative, which provides information and referrals on accessibility and housing, provides educational programs, and advocates with government and community groups to increase accessibility in housing. MIL also played a key role in creating [housingcleveland.org](http://housingcleveland.org), a searchable online database for affordable housing.

Maximum Independent Living changed its name to Maximum Accessible Housing of Ohio (MAHO) in 2007 to draw attention to its work on accessibility and housing. More recently, after securing federal funding, MAHO set its plan of building a new Vistas Apartment Community in Cleveland's University Circle neighborhood in motion. The new Circle Vistas will replace the current Vista community on Euclid Avenue.

Mr. Speaker and colleagues, please join me in congratulating Maximum Accessible Housing of Ohio as they celebrate 30 years of dedicated service to the Cleveland area's disabled community.

HONORING THE LIFE OF JUDY  
McLAUGHLIN OF ST. PAUL, MIN-  
NESOTA

**HON. BETTY McCOLLUM**

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 4, 2011*

Ms. McCOLLUM. Mr. Speaker, I would like to pay tribute to the life and memory of Ms. Judy McLaughlin, a civic and political leader in St. Paul, Minnesota who passed away on September 5, 2011 at the age of sixty-six. Throughout her adult life Judy was an active and influential leader in the Minnesota Democratic Farmer Labor Party (DFL) and a force in the civic life of St. Paul. She and her late husband, Mike McLaughlin, were the owners of Summit Manor on Summit Avenue in St. Paul.

Their commitment to St. Paul helped transform Ramsey Hill from a historic neighborhood plagued with crime and at risk of decay into a national model for historic preservation.

Along with Mike, Judy was active in Fourth Congressional District and St. Paul DFL politics throughout her life. She knew all the players, all the issues, and had an informed opinion about where her city, state and Nation should be going. She was known to every DFL political leader for four decades, and Summit Manor was a well known venue for political gatherings.

When I got started in politics I knew Mike McLaughlin as a powerful political leader and Judy was most definitely his equal. She worked in the Minnesota State Legislature for the DFL Speaker of the House. She helped work on and guide campaigns for city council, mayor, the state legislature, Congress, and the U.S. Senate.

On a gray, rainy day in October 2002 Minnesota suffered the heartbreaking deaths of Senator Paul Wellstone and his wife, Sheila, along with their daughter and five campaign aides. Judy's son, Will, was one of those staff members who died that tragic morning. While all of Minnesota felt a loss, including many of us who lost dear friends that day, Judy's loss was profound.

Yet, the following day Judy attended a rally for peace on the steps of the Cathedral of St. Paul which was supposed to be attended by Senator Wellstone and her son, who traveled everywhere with the senator. Mayor Chris Coleman of St. Paul described the events of that day as he eulogized Judy saying, "She knew that no cause worth fighting for could die with the death of a few. She had to be there in spite of the immense agony she felt."

I knew Judy as a DFL leader, a local businesswoman, and as a neighbor who I would run into at the local coffee shop or out on a morning walk. She was an anchor in the community and a respected voice. Her passing is a loss for St. Paul and for all the friends and loved ones whom she shared her very full life with.

It was an honor to know Judy. I wish to extend my condolences to her four daughters and two sons. Judy McLaughlin gave so much of herself to family, community, and country. She was true to her beliefs and for that she will always be remembered with fondness, respect and deep appreciation.

CELEBRATING THE SERVICE OF  
JUDGE OLIVER W. WANGER

**HON. JIM COSTA**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 4, 2011*

Mr. COSTA. Mr. Speaker, I rise today to pay tribute to the outstanding service and dedication of the Honorable Oliver W. Wanger on the occasion of his retirement from the United States District Court for the Eastern District of California. For the past 20 years, Judge Wanger has served the people of California admirably—maintaining a commitment to justice, fairness, and the law. Moreover, he has been fair-minded and knowledgeable when hearing cases related to the San Joaquin Valley's water and environmental issues.

Judge Wanger received his Bachelor's Degree from the University of Southern California

in 1963 and his law degree from the University of California, Berkeley's Boalt Hall School of Law in 1966. Upon graduation, he served our great nation in the United States Marine Corps from 1960 to 1967. Judge Wanger established his roots in Fresno, California in 1967, where he served as deputy district attorney until 1969. For the next two decades, Judge Wanger worked as a first-rate attorney and always maintained a keen passion for justice.

He exhibited foresight and leadership when he joined Mr. John Loomis and Mr. Dan Eymann in founding San Joaquin College of Law (SJCL) in 1969. SJCL is a community treasure—it has given capable individuals in the Valley access to a quality legal education. He served as an adjunct professor at SJCL from 1970 until 1991 and as Dean from 1980 until 1983. His tenacity and enthusiasm have made him a mentor and leader in the Fresno legal community. For years, he has been admired for his steadfast adherence to the rule of law and indisputable commitment to our community.

Judge Wanger has not only been recognized as a scholar of the law, but he has also been revered as a man of principle and integrity. In 1991, President George H.W. Bush nominated him to the United States District Court for the Eastern District of California. He was unanimously confirmed by the United States Senate. The Eastern District of California extends from the Oregon border to the Tehachapi Mountains. Many of the cases Judge Wanger has presided over have involved the Sacramento-San Joaquin Delta and his most notable rulings have been deeply relevant to the San Joaquin Valley's water and environmental issues.

Judge Wanger and his wife Lorrie Anthony-Wanger have five sons and seven grandchildren. Following his retirement, Judge Wanger will return to private practice as partner in the new firm of Wanger, Jones & Helsley PC.

It is a great honor to commend my friend, Oliver W. Wanger, for his years of service to the people of California. We have been lucky to have a hard-working legal scholar serve our great state for the past two decades.

Mr. Speaker, I ask my colleagues to join me in celebrating the service and career of the Honorable Oliver W. Wanger. His passion for the justice and fervent adherence to the law has not only made him a fair and effective judge, but also a vibrant asset for our community.

IN RECOGNITION OF THE 25TH ANNIVERSARY OF CLEVELAND'S INTERNATIONAL EXPOSITION CENTER

**HON. DENNIS J. KUCINICH**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 4, 2011*

Mr. KUCINICH. Mr. Speaker, I rise today in recognition of the 25th anniversary of Cleveland's International Exposition Center (I-X Center). The I-X Center hosts 1.5 million visitors annually at various consumer shows and community events.

Cleveland's I-X Center is one of the largest trade show and exhibition centers in the country. With more than 1.4 million square feet of

exhibition space, the I-X Center hosts some of the country's largest consumer shows. Some of the most popular events include the Greater Cleveland Auto Show, Fabulous Food Show, International Beer Fest, Great Big Home & Garden Expo, Piston Power Show, Indoor Amusement Park and Trick or Treat Street.

The Greater Cleveland Auto Show is the fifth largest auto show in the country. This fall, the I-X Center will host the second annual Piston Power Show which showcases piston powered cars, aircraft, motorcycles, trucks and trailers. The Fabulous Food Show has become one of the leading food shows in the country and features a number of Food Network chefs including Bobby Flay, Alton Brown and Cleveland's Michael Symon. Another show quickly gaining popularity is the International Beer Fest, which, according to the I-X Center, was the largest showing and competition of world beers in the Midwest. The I-X Center's own Indoor Amusement Park has been running for 22 consecutive years and features the world's largest indoor Ferris Wheel.

Since the I-X Center's first show in 1985, the International Capital Goods Trade Fair, they have been reinvesting in the facility to accommodate future shows and guests. The I-X Center has already invested more than \$75 million into the venue over the past 25 years and plans to invest another \$25 million in the coming years to upgrade visitor amenities, traffic and parking in hopes of doubling their annual attendance.

Mr. Speaker and colleagues, please join me in recognition of the 25th anniversary of Cleveland's International Exposition Center (I-X Center).

AMENDMENT TO H.R. 2681

**HON. EARL BLUMENAUER**

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 4, 2011*

Mr. BLUMENAUER. Mr. Speaker, in 1990, the Clean Air Act Amendments required EPA to complete and issue regulations on hazardous air pollutants by 2000. This week, we are considering two bills that would delay two regulations for at least another six years—with no deadline for EPA to complete regulations, and giving industry no deadline to comply. My amendment will add a finding to H.R. 2681 that the Clean Air Act required these regulations before 2000, and required the mandated emissions reductions to occur by 2003.

ARISTIDES PEREIRA, A PIONEER FOR DEMOCRACY

**HON. BARNEY FRANK**

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 4, 2011*

Mr. FRANK of Massachusetts. Mr. Speaker, sadly, last month, the world lost a great leader in the fight for freedom and democracy. Aristides Pereira was the first President of the Republic of Cape Verde. His work on behalf of the right of all people to self-government began more than sixty years ago, when he

joined in the fight for independence for Cape Verde from Portugal. In 1956, he joined Amílcar Cabral in founding the African Party for the Independence of Guinea and Cape Verde (PAIGC) and became General Secretary of the party in 1973. In 1975, the efforts of these patriots came to fruition, and after the change in regime in Portugal that ushered in democracy in that country, Cape Verde became independent. In recognition of his great leadership, Aristides Pereira was the first President of the Republic of Cape Verde. He remained President of Cape Verde until 1991, when he was defeated for the office in a multi-party election by Antonio Mascarenhas Monteiro.

At that point, Aristides Pereira performed his third great service for the cause of the right of people to self-governance. His first effort was his leading role in the effort to win independence for his country. Next he served as its first President for sixteen years and helped establish it as an independent nation. Paradoxically, his third great service was when he was defeated for reelection and accepted the result of a democratic process and retired.

Sadly, Mr. Speaker, there have been too few examples of well functioning democracy in many of the nations of the world that received independence after World War II, and we have seen recent sad examples in Africa of presidents refusing to accept the electoral results that were unfavorable to them. In many cases, those voted out of office after a long period were the leaders of independence movements, as was President Pereira. So the contrast between him and, for example, Robert Mugabe, is a very strong one. Aristides Pereira set a very important example of acceptance of democracy, even when its particular results were adverse to his own personal standing.

Today, Mr. Speaker, Cape Verde stands as a shining example of democracy and of the way in which democracy and responsible economic development complement each other. While Cape Verde was not endowed with great natural resources, it has been a success story economically as well as politically, refuting those who believe that economic development can only come at the expense of democratic governance. The economic success of Cape Verde within this democratic framework—again the precedent set by Aristides Pereira—has been recognized by both Republican and Democratic administrations in the U.S. Under President Bush, Cape Verde was in the first group of countries to receive funding under the Millennium Challenge Commission, and under the Obama administration its great economic responsibility has been recognized and it has continued to be one of the stars of that program.

Mr. Speaker, the career of Aristides Pereira is an inspiring one. He committed himself early in life to the fight for the right of people to self-government and remained a leader in that fight by his deeds, by his example and by his dignified presence in his country for a period exceeding sixty years.

Mr. Speaker, I join the people of Cape Verde in mourning the passage of a great leader, and in the pride they are entitled to take in his career and in the record of full acceptance of democratic self-government that is part of Aristides Pereira's legacy.

IN HONOR OF MR. GERALD F.  
BROSKI

**HON. DENNIS J. KUCINICH**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 4, 2011*

Mr. KUCINICH. Mr. Speaker, I rise today in honor Mr. Gerald F. Broski who is being honored by the Polonia Foundation on October 2, 2011.

Gerald earned his Bachelor of Science degree from John Carroll University in 1964 and his Juris Doctor from Cleveland State University's Marshall School of Law in 1968. Following his education, Gerald practiced law for thirty-nine years. He owned and operated a real estate management firm for twenty years. Gerald has been married to Donna, for 45 years. Together they have two sons, Scott and Todd.

In addition to his career, Gerald has been an active member of the Greater Cleveland community for decades. He is a member of Marymount Hospital's Civic Advisor Board, the Harbor Estates Homeowners Association, Ohio Bar Association, Cleveland Bar Association, Now-Easter Boat Club, Brecksville Historical Association and the Cuyahoga County Democratic Party. Gerald has served as the president of several organizations including Polish American Inc., Cleveland Society of Poles and Polonia Foundation of Ohio and as the executive trustee of Shoes and Clothes for Kids. For 23 years, Gerald has also been a member, and is currently the vice president of, the Brecksville City Council.

Due to his long career and dedication to his community, Gerald has been honored and recognized several times. He received a U.S. Army Commendation Medal in 1970 and was named Volunteer of the Year by Shoes and Clothes for Kids in 2003.

Mr. Speaker and colleagues, please join me in honoring Mr. Gerald F. Broski and congratulating him as he is recognized by the Polonia Foundation.

TRIBUTE TO CAPTAIN PERRY  
HOLLOWELL

**HON. TODD ROKITA**

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 4, 2011*

Mr. ROKITA. Mr. Speaker, I rise today to recognize and thank an important member of Indiana's law enforcement community.

Captain Perry Hollowell is a twenty-nine-year police veteran having served at the state, county, and municipal levels. Currently, Captain Hollowell is assigned to the training division at the Indiana Law Enforcement Academy as Director of In-Service Training. He has served as Sheriff, Chief Deputy, Lieutenant, and Sergeant. Captain Hollowell has an extensive military background, which included graduating from the U.S. Army Sergeants major Academy and as deputy Commandant of the Indiana Military Academy. Captain Hollowell is a graduate of the FBI National Academy and Oakland City University with honors and earned a Master's Degree in Business Management. He has instructed law enforcement and the military for three decades and is currently adjunct faculty at two universities.

In the wake of the horrific attack on Representative GABRIELLE GIFFORDS and her staff, I felt it was important to do something to protect my staff, so that we may avoid, or God forbid react to, a situation like the one in Tucson, should one unfold at a Fourth District event.

We also invited, and they participated, the staff of the entire Indiana delegation. To this day, I feel that this was not only one of the best things that any of us Members can do for our staffs, but also the best way we can honor the service and memory of Gabe Zimmerman, Representative GIFFORDS' staffer, who was killed in that attack.

Captain Hollowell led the safety training for the Indiana Congressional Delegation's district staff this Spring. The training included public event planning to avoid or recognize a physical threat and how to act and react in the event of an active shooter. The training sessions provided important basic knowledge for congressional staff members to employ should the need arise during public events where their Member of Congress' and the general public's safety are at risk.

I appreciate and would like to honor his exceptional dedication to his profession and the time he gave in this endeavor. I would like thank his family for selflessly supporting Captain Hollowell in his long and accomplished career as soldier, law enforcement officer, and instructor. I am proud to honor Captain Hollowell in recognition of his leadership and service to his family, colleagues, and community.

IN HONOR OF MARK RELOVSKY

**HON. DENNIS J. KUCINICH**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 4, 2011*

Mr. KUCINICH. Mr. Speaker, I rise today in honor of Mr. Mark Relovsky who is being honored by the Polonia Foundation on October 2, 2011.

Mr. Relovsky was born on August 31, 1954 and was raised in the St. Hyacinth Parish in Cleveland's North Broadway neighborhood. His family moved to Brooklyn Heights as Mr. Relovsky started at Cuyahoga Heights High School. Upon graduating, he began studying at Case Western Reserve University where he earned a degree in accounting. He would later attend Baldwin Wallace College and obtain a Master's Degree in Business Administration in 1984.

While Mr. Relovsky was earning his education, he was working as the administrator of the LTV Steel-USWA Pension Plan at Republic Steel/LTV Steel. Mark also worked as a 401(k) plan consultant with CBIZ, a pension project manager with the Center for Health Affairs and a product file analyst for Applied Industrial Technologies.

In addition to his long career, Mr. Relovsky has been an active member of Cleveland's Polish community. He has served as a member of the Booster and Sports Committee of the Union of Poles in America and at one time served as their director. He has also served as the commissioner of the Union of Poles Division of the Polish National Alliance. Additionally, Mr. Relovsky has been active in the Cleveland Society of Poles, the Polish Amer-

ican Congress, Ohio Division, the Union of Poles Credit Union and the Polonia Foundation.

Mr. Speaker and colleagues, please join me in honoring Mr. Mark Relovsky and congratulating him as he is recognized by the Polonia Foundation.

RONALD BOYLES EARNED HIS  
SPOT IN MOUNT AIRY'S SPORTS  
HALL OF FAME

**HON. VIRGINIA FOX**

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 4, 2011*

Ms. FOXX. Mr. Speaker, I rise today to congratulate Ronald Boyles Jr. of Mount Airy, NC. Mr. Boyles, who is a fixture in the Mt. Airy community, was inducted into the Mount Airy Sports Hall of Fame this year, receiving the prestigious Granite City award for his years of dedication to sports in Surry County.

Not only did Mr. Boyles have an illustrious high school sports career in Mount Airy, he also dedicated much of his life to coaching local youth in various sports, sponsoring countless sports teams in his work at Boyles Shoe Store and officiating more sporting events than anyone in Mount Airy could hope to ever tally.

Few have ever deserved this honor as much as Ronald Boyles. His love of sports and his commitment to helping young people develop character, fair play and sportsmanship was second to none.

For example, by his own estimate he has attended more than 2,000 Surry County high school and youth league games over the course of his 70 years of involvement in Mount Airy sports. He has truly seen it all—from Mount Airy's football title in 1948 to more recently it's 2009 state championship title.

Ronald Boyles dedication to sports in Surry County has been an example of true community spirit during the decades he's been active playing, coaching, officiating and cheering the young people of Surry County. He truly deserves his place in the Hall of Fame thanks to the many lives he touched through the years.

BREAST CANCER DEADLINE 2020

**HON. THOMAS E. PETRI**

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 4, 2011*

Mr. PETRI. Mr. Speaker, today I want to commend the National Breast Cancer Coalition, NBCC, for its work to "change the conversation" about breast cancer through its Breast Cancer Deadline 2020. I have signed the Congressional Declaration of Support for this initiative.

It is estimated that 261,100 women and 1,970 men were diagnosed with breast cancer in 2010. In that same year, 39,840 women and 390 men died of the disease, which translates to one death every 14 minutes. While breast cancer mortality has been dropping, the pace has been much too slow: In 1991, 119 women in the U.S. died of breast cancer every day, while in 2010 that number was 110.

The stakes are too high to continue the current trend. Thousands have already lost their

lives to this terrible disease, and sadly thousands more may lose their lives in the next decade if more progress is not made quickly. January 1, 2020, is an ambitious but necessary target if we are to finally end the tragedy of breast cancer, so I thank NBCC again for their leadership in this effort.

#### PERSONAL EXPLANATION

### HON. JOHN A. YARMUTH

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 4, 2011*

Mr. YARMUTH. Mr. Speaker, I was unable to cast the recorded votes for rollcall 721, 722, 723, and 724. During this time, I was with President Obama. We were discussing the closure of the Sherman Minton Bridge, which has severely impacted transportation and commerce in my district.

Had I been present I would have voted no for these measures.

Bill	Rollcall #	Vote
H. Res. 409: On Ordering the Previous Question .....	721	No
H. Res. 409: On Agreeing to the Resolution .....	722	No
H. Res. 406: On Ordering the Previous Question .....	723	No
H. Res. 406: On Agreeing to the Resolution .....	724	No

#### CELEBRATING THE REPUBLIC OF CHINA (TAIWAN'S) 100TH ANNIVERSARY

### HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 4, 2011*

Mr. WILSON of South Carolina. Mr. Speaker, October 10th marks the 100th Anniversary of the founding of the Republic of China (Taiwan). Sharing the same ideals of individual liberty and freedom, Taiwan and the United States have developed a strong relationship and become strong allies for one another. Double Ten Day has long been special to our family with our third son, Julian Dusenbury Wilson born October 10, 1971.

During World War II, the two countries fought side by side against the Japanese invaders. My father, Hugh DeVeaux Wilson, joined the Fourteenth Air Force of the Army Air Corps known as the now famous Flying Tigers. The Flying Tigers served an integral role in the battles of the Pacific Theater of World War II protecting millions of Chinese from the invaders. My father developed a life-long appreciation of the Chinese people and the Chinese culture. Consequently, the First Lady Madame Chiang Kai-shek became the first woman to ever address a joint session of the United States Congress.

During the Cold War, Taiwan played a pivotal role in America's Korean War effort. General Douglas MacArthur once described Taiwan as an "unsinkable aircraft carrier in the Pacific" when discussing the alliance during the Korean War effort.

Taiwan was also a key base, and intelligence-gathering source, for U.S. forces in the Vietnam War. I have visited the capitol of Taipei and it has become a model of economic

dynamism for capitalism which obviously has influenced mainland Chinese who abandoned the failed economic system of communism for the opportunities of free market capitalism.

I therefore, urge all my colleagues to join me in congratulating one of our nation's strongest allies, the Republic of China, Taiwan, on its century of existence and the fine democratic example which it has set for nations across Asia.

#### IN HONOR OF JOSEPH FORNAL

### HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 4, 2011*

Mr. KUCINICH. Mr. Speaker, I rise today in honor of Mr. Joseph Fornal who is being honored by the Polonia Foundation on October 2, 2011.

Born in 1955, Joseph was raised in Cleveland's Tremont neighborhood. He earned a Bachelor of Science in business administration from John Carroll University in 1977. In the midst of his career, Joseph returned to school and earned a Master's in Business Administration from Kent State University.

Joseph began working at the accounting firm Cohen & Company after graduating from John Carroll and eventually was made partner-in-charge of the Accounting & Auditing Department. He also served as the firm's Technical Director. He left the firm and became the vice president and Chief Financial Officer for Jack Matia Chevrolet and Honda in 2000. Several years later, in 2006, Joseph began working as the treasurer and Chief Financial Officer of Ganley Auto Group.

In addition to his career, Joseph is an active and dedicated member of the Cleveland community. He is a member of the American Institute of Certified Public Accountants, Ohio Society of Certified Public Accountants and Cleveland Touchdown Club Charities, Cleveland Society of Poles, Polonia Foundation of Ohio and is currently the president of the Polish American Cultural Center in Honor of Pope John Paul II. Joseph is also an active member of St. John Cantius parish and Marymount community.

Due to his long career and dedication to his community, Charles has been honored and recognized several times. He was honored with the Cleveland Society of Poles' Good Joe Award and the Outstanding Member in Industry Award from the Ohio Society of Certified Public Accountants in 2004. Joseph was also the recipient of the Billy Reynolds' Community Service Award in 2008.

Mr. Speaker and colleagues, please join me in honoring Mr. Joseph Fornal and congratulating him as he is recognized by the Polonia Foundation.

#### IN HONOR OF MRS. RHODES-LAWRENCE

### HON. KATHY CASTOR

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 4, 2011*

Ms. CASTOR of Florida. Mr. Speaker, in recognition of her 100th birthday milestone, I

rise to commend the life and leadership of Mrs. Rhodes-Lawrence. Mrs. Rhodes-Lawrence is a great example of a dedicated community advocate and leader.

In her 100 years of life, Mrs. Rhodes-Lawrence has been a part of major historical landmarks for our Nation and the world. In 1911, the year she was born, the first trans-continental flight from New York to Pasadena took off and landed successfully and a gallon of gas was only seven cents. Long after living through the Great Depression and two world wars, Mrs. Rhodes-Lawrence had two children, who gave seven grandchildren, and 16 great-grandchildren. She has made remarkable contributions to our community and her church, St. Paul Missionary Baptist Church.

Mrs. Rhodes-Lawrence, a Lee, Florida native, was deemed Mother of the Year at St. Paul's and has been the on the Deaconess Board, Senior Women's Ministry, choir, and founder of Young Adult Choir.

The Tampa community is proud to recognize Mrs. Rhodes-Lawrence for her contributions and leadership to our community.

#### THE PARTNERSHIP BETWEEN THE MAYO CLINIC AND ARIZONA STATE UNIVERSITY

### HON. DAVID SCHWEIKERT

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 4, 2011*

Mr. SCHWEIKERT. Mr. Speaker, during this last district work period I had the opportunity to attend a press conference announcing the expansion of the Mayo Medical School in Arizona. This expansion, which will be done in cooperation with Arizona State University, is an exciting event that will lead to continued improvements in the field of medical education and provide research to meet tomorrow's needs.

Mr. Speaker, I wish to insert into the RECORD the comments of John Noseworthy, M.D., Mayo Clinic president and CEO, on the announcement of the partnership between the Mayo Clinic and Arizona State University. This is a truly wonderful relationship between these institutions and I look forward to having the Mayo Clinic in Arizona for many years to come.

#### REMARKS OF JOHN NOSEWORTHY

We are here today because of a convergence of three imperatives. First, there is a strong need for new models of health care delivery in our country. Second, Mayo Clinic believes that one answer to this need lies in new models of training future physician leaders. Third, we are ready to take a bold step in this direction today with our collaborator, Arizona State University. This new Arizona branch of Mayo Medical School is firmly aligned with Mayo's commitment to patient-centered academic excellence and redefining the field of medical education. Together with ASU, we will create the health care workforce of the future.

Clearly, the United States is a leader in bringing innovation and new technologies into health care, yet health care in the United States is fragmented, the quality of care is variable, imperfectly measured, and expensive with costs rising every year. Many patients struggle to find answers that integrate the opinions of their physicians. Patients don't always benefit from advances in

medical knowledge. Studies have shown that it takes up to 17 years for important new knowledge to be broadly applied in medical practice—to move from research bench to bedside. Patients struggle to pay their bills and our country cannot sustain the growing costs of health care, now exceeding 17% of our GDP.

Mayo Clinic believes that one answer lies in new models of training future physician leaders. Today we are taking the lead and announcing a bold new educational model to train the physicians of tomorrow. This model addresses the importance of delivering patient-centered, team-based care—the two essential elements of how we practice at Mayo Clinic. This new model will teach the requisite skills to design models of evidenced-based, data-driven care. Our experience at Mayo Clinic leads us to believe that this model will ensure better patient safety, better patient service and improved outcomes using systems engineering, health economics, and other disciplines.

Mayo Clinic has expertise in this approach. We recently announced the opening of our Center for the Science of Health Care Delivery. We are redoubling our efforts to bring innovation into the medical school classroom—to shape and arm physicians of the future to be leaders in the development of new models of care.

Today and together, Mayo Clinic and Arizona State University are advancing this new discipline—the science of health care delivery. I am very pleased to announce that Mayo Clinic will expand the Mayo Medical School, based in Rochester, Minnesota, to Arizona. The branch campus we announce today will be known as Mayo Medical School—Arizona Campus. It will operate under the governance and oversight of Mayo Medical School. Each class here in Arizona will include 48 students. This branch will build on the academic excellence of Mayo Medical School while also reflecting the need for medical school curriculums to be geared toward training the physicians of tomorrow. This new medical school will be an important pipeline for future leaders in the field of medicine around the nation, the world, and right here in Arizona.

The students of this new campus will earn an MD degree from Mayo Medical School and a Master's degree in the Science of Health Care Delivery from Arizona State University. This is the first medical school in the nation to embed the science of health care delivery into its four-year medical education. Other medical schools are moving in this direction because they too believe this is the right approach.

Today's announcement reinforces Mayo Clinic's commitment to Arizona and helps secure Mayo's role as the premier academic medical center in the southwest. We are one step closer in fulfilling our commitment to being a beacon for clinical excellence in the western United States.

Health care is about treating patients in a manner that delivers optimal outcomes and quality of life in the most efficient way possible. Well trained physicians are one of the centerpieces of our collective future. We're excited to be here today to make this important announcement for Mayo Clinic, for Arizona, and for patients today and in the future. We're eager to get started and look to the future with great confidence.

IN HONOR OF MR. CHARLES J.  
POPA

**HON. DENNIS J. KUCINICH**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 4, 2011*

Mr. KUCINICH. Mr. Speaker, I rise today in honor Mr. Charles J. Popa who is being honored by the Polonia Foundation on October 2, 2011.

Charles was born on October 19, 1925 in Pulaski Township, Pennsylvania. He was taking classes in high school when Pearl Harbor was attacked and immediately left school to work as an auto mechanic. Charles enlisted in the U.S. Marine Corps in 1943 and went on to serve in the Asiatic Pacific Theater; specifically in Luzon and Mindanao. Charles rose to the rank of sergeant before being discharged in 1945.

Upon returning to civilian life, Charles began working in the trucking industry and transported goods such as coal and steel throughout the Eastern United States. He retired in October 1982. After the War, Charles married Jane Stadnik on April 15, 1950. Together, they raised three children, Charles Jr., David and Susan.

In addition to his military service, career and family, Charles was an active member of his community for decades. Just two years after joining the Polish Legion of American Veterans in 1969, Charles became the post commander, a position he held for forty years. He is also a member of the Roman-American Volunteers, the Grand Knight of Pulaski and is a lifetime member of VFW Post 7538. Charles was honored in 1987 as the Polish Legion of American Veterans' veteran of the year. In 1998, he was recognized by the United Veterans Council.

Mr. Speaker and colleagues please join me in honoring Mr. Charles J. Popa and congratulating him as he is recognized by the Polonia Foundation.

#### PERSONAL EXPLANATION

**HON. NICK J. RAHALL II**

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 4, 2011*

Mr. RAHALL. Mr. Speaker, I regret that I was prevented from casting votes during last Monday night's session due to repeated delays of a flight from Charleston, West Virginia, to Washington. Had I been present, I would have voted in support of all three measures brought before the House—H.R. 686, H.R. 765, and H.R. 670.

The flight, originally scheduled to depart at 4:50 p.m., did not leave Charleston until after 9 p.m., more than four hours late. In that time, the airline offered numerous excuses—maintenance, delayed flights that had backed up the system. Numerous alternative departure times were put forward and then retracted. Within one four-minute span, the airline emailed four different departure and arrival times. At moments, the arrival/departure information was so confused that the airplane would have had to violate the laws of physics in order to abide by the airline schedule. This is an all too often occurrence and often maintenance delay ex-

cuses are used to cover crew issues and/or other problems.

Needless to say, all passengers were inconvenienced and the airline's explanations were wholly unsatisfactory. This flight delay prevented me from carrying out my Constitutional duty to represent the people of southern West Virginia: I feel I owe them and this body an explanation about why that was not possible last night.

I recognize that flight delays happen and perhaps at times no one is to blame. But, given how disruptive and costly delays and cancellations can be, travelers ought to be able to depend upon consistent, timely air service to all communities, even in rural areas.

Rural communities depend on air service like any other communities. It connects us to the global economy. Our businesses need to ship their goods. Our families, workers, and students need to travel. We need reliable, dependable air service. According to GAO, airports in rural communities have higher rates of delays and cancellations than airports in larger communities. That's simply not acceptable.

As the Ranking Member on the Committee on Transportation and Infrastructure, I feel acutely aware of the transportation challenges this nation faces, and as I sat in that airport last evening—like so many other passengers at that airport and others across the nation—I was frustrated by the delay, annoyed at the changing excuses offered by the airline, and angered that I was unable to get to work on time.

During all that time that I sat in the airport, I had plenty of time to think and to boil over that I was sitting there at the mercy of an airline whose veracity continued to come into increasing doubt. But I also had time to ponder our work here.

We are in a great debate in this country about our federal budget, while at the same time we are struggling to get people back to work and get our economic engine humming again. I believe that improving our transportation system has to be one of our top priorities. We need to do more to ensure the efficient transportation of people and goods. We need to stop announcing delay, after delay. We need to stop offering political excuses.

Otherwise, while we hold the future of our citizens captive, forcing them to wait and wait, we will only succeed in making them more and more frustrated and angry.

We had better get off our duffs, come together, and make some real progress on a longterm measure that will ensure improvements to our transportation system and greater safety and reliability to business and the traveling public. And we had better do it soon.

#### TRIBUTE TO THE REPUBLIC OF CHINA'S 100TH NATIONAL DAY

**HON. JIM JORDAN**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 4, 2011*

Mr. JORDAN. Mr. Speaker, I am honored to join the people of the Republic of China in commemorating their 100th National Day this October 10.

Taiwan remains one of our closest allies and a vital partner in peace in the region. A guarantor of fundamental rights to its citizens

and committed to the rule of law, Taiwan is a model for emerging democracies in the region and throughout the world. It is a vibrant reminder that freedom is a universal ideal.

We rightly consider any effort to hinder Taiwan's self-determination as a threat to regional peace. The United States must continue to stand behind our commitment to Taiwan and the military and trading partnerships we enjoy with this major regional economy. We must also support Taiwan's strong desire for much-deserved membership in the United Nations.

Mr. Speaker, we are grateful for dependable allies like Taiwan. The relationship between our two nations has been to the cultural, economic, and political benefit of both. We send our greetings and best wishes to the people of Taiwan as they mark their centennial next week.

#### ADMONISHING ANTI-DEMOCRATIC STATEMENTS

#### HON. STEVAN PEARCE

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 4, 2011*

Mr. PEARCE. Mr. Speaker, at a constituent event in Inglewood, California, on August 21, 2011, the Congresswoman who represents that area made several shocking and egregious statements that slander the good work a dedicated group of Americans are trying to achieve for our country. Perhaps most disturbing was her statement that, "As far as I'm concerned the Tea Party can go straight to hell. And . . . and, I intend to help them get there." These words do nothing to unite Americans and only fan the flames that incite division. Earlier in August, following the highly charged debt limit discussions, with words worsening the political divide, the Vice President declared that the Tea Party had "acted like terrorists." These attacks are an assault on democracy. Any action which ignores deep-seated concerns, or attempts to extinguish the voices of millions of Americans damages the democratic process. The Tea Party is united in common concern for the future and the well-being of generations to come. They are not, as one Congressman from Pennsylvania described, a "small group of terrorists." These are people who care deeply about the path our country is on and are working through the issues. They are present at parades, marches and rallies. They are gathering in meeting halls, restaurants, and family rooms to discuss their goals for our nation's future. Words that dismiss the Tea Party's shared belief that government can do better by the people of this country only further divide us. We have only our voices to change the hearts and minds of elected officials. Those of us entrusted by the people to support and defend the Constitution of the United States must never work to extinguish the light of democracy or the avenue of free speech. To limit the excitement and drive of a united group grows dejection; a certain foe of democracy. It casts a web of doubt over the activities of the Congress and threatens to harm the creation of good public policy. I will defend the right of any man, woman, or child to speak their truth and share their concerns. Just as all Americans regardless of race or gender, creed

or religion, ideals or personal conviction, Tea Party members deserve to have their voices heard.

#### RECOGNIZING ELSA HOMINDA OF THE CHILDREN'S HOME SOCIETY OF WASHINGTON FOR HER WORK WITH ADOPTED CHILDREN AND FAMILIES IN WASHINGTON STATE

#### HON. ADAM SMITH

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 4, 2011*

Mr. SMITH of Washington. Mr. Speaker, I rise to honor my constituent, Elsa Hominda, for her outstanding advocacy for adopted children in Washington State and for being a 2011 Angels in Adoption honoree. I am pleased to join Senator PATTY MURRAY in recognizing Elsa's dedicated work with local adoptees, their families, and birth parents.

Elsa is a Search and Reunion Specialist at the Children's Home Society of Washington, a non-profit organization devoted to strengthening and supporting Washington's children and families. Elsa and her husband are also the proud parents of three adopted children, ages 5, 11, and 12.

As a confidential intermediary at the Children's Home Society of Washington, Elsa acts as a neutral third-party to facilitate reunions between adoptees and birth parents. She serves as a counselor and mediator to the child or parent who is undertaking a search and helps to make what is often a very emotional and difficult process just a bit easier.

Through her work, she has helped many individuals. One personal story that I found particularly moving involved a gentleman who was placed in an adoptive home over 50 years ago and who recently embarked on the poignant journey to find his birth mother.

With the help of Ms. Hominda, this individual was able to reunite with his biological mother through a series of letters, emails, and eventually, a face-to-face reunion—a process that took several months. He is incredibly grateful for all the hard work Elsa did to facilitate the reunion and feels as though he has a new addition to his family.

Mr. Speaker, I ask that my colleagues in the House of Representatives please join me in honoring Elsa Hominda, whose work reuniting Washington's adopted children with their birth families enriches the lives of everyone touched by the process of adoption.

#### HONORING THE 50TH ANNIVERSARY OF THE WILLIAM G. ROHRER MEMORIAL LIBRARY

#### HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 4, 2011*

Mr. ANDREWS. Mr. Speaker, today I rise to honor the fiftieth anniversary of the William G. Rohrer Memorial Library in Haddon Township. For the past half century this valuable community asset has steadfastly served the citizens of Haddon Township. This past summer, the library was forced to temporarily close after

suffering damage from an unfortunate water main break. Undeterred, library staff worked diligently to reopen as soon as possible. Reflecting the great value and importance of this library, community members lined up at the door for the reopening of their cherished and loved library.

The staff of the William G. Rohrer Memorial Library also deserves particular recognition. It is through their hard work that this library has come to be so cherished by the people of Haddon Township. Their efforts have made the library a great success over the past fifty years and will continue to earn the support and admiration of the community for many more to come. To celebrate the fiftieth anniversary of the library, local leaders, entertainers, and citizens came together to mark this important milestone with a day of reading, fun, and games.

Mr. Speaker, the fiftieth anniversary of the William G. Rohrer Memorial Library and the dedication demonstrated by its staff should not go unrecognized. I congratulate them on fifty great years, thank them for their service to the community, and wish them all the success in the future.

#### COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM "WHERE IS THE PEACE DIVIDEND? EXAMINING THE FINAL REPORT TO CONGRESS OF THE COMMISSION ON WARTIME CONTRACTING"

#### HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 4, 2011*

Mr. KUCINICH. Mr. Speaker, I would like to thank the committee for holding this important hearing on the future of our presence in Iraq and Afghanistan.

As one of the first Members of Congress to oppose the war in Iraq and as one who has forced debate on the war in Afghanistan a number of times in the House, I continue to be deeply concerned by the findings of the Commission on Wartime Contracting (CWC) in Iraq and Afghanistan. The latest and final report highlights continued privatization of inherently governmental functions, a significant lack of oversight of contingency contractors who in many cases, are providing vital support services for our personnel on the ground, and an estimated waste of up to \$60 billion thus far. Many of us were on this committee last year when it released a report ("Warlord Inc.") detailing the use of U.S. taxpayer dollars to pay off warlords in Afghanistan and essentially fuel the very insurgency we are trying to quell.

At a time when vital social services here at home are being cut in the name of fiscal responsibility, we would do well to take the recommendations and findings included in the final report of the CWC very seriously. It is clear from the Commission's reports that the U.S. Government has privatized the business of war to such a point where we are guaranteed to continue to see billions of dollars go unaccounted for and bad actors in Iraq and Afghanistan act with total impunity. And as the Commission points out, there will be another contingency operation.

The truth is that we cannot afford these wars. According to Congressional Research



Service, the wars in Iraq and Afghanistan have cost us over one trillion dollars. Estimates by Joseph Stiglitz and Linda Blimes put that number at closer to \$5 trillion when you include the long-term costs associated with caring for returning veterans.

RECOGNIZING OCTOBER AS NATIONAL BREAST CANCER AWARENESS MONTH

**HON. PETER T. KING**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 4, 2011*

Mr. KING of New York. Mr. Speaker, I rise today in recognition of October as National Breast Cancer Awareness Month. It is essential to take this time to promote breast cancer awareness, share information on the disease, emphasize the importance of screenings and continue to work towards a cure.

Early detection is of the utmost importance for women of all ages. The 2.5 million breast cancer survivors through the U.S. are a testament to the importance of breast cancer awareness and following recommended screening guidelines. I strongly encourage women to follow the recommended mammography screening guidelines and to perform self-exams. Early detection saves lives!

A woman receives a diagnosis of breast cancer every two minutes, making this disease one of the most frequently diagnosed cancer among women in the United States. Despite tremendous advances in treatment and prevention, it remains the second leading cause of cancer death. I am proud to support the National Breast Cancer Coalition's Breast Cancer Deadline 2020, a call to end breast cancer by January 1, 2020. This initiative focuses on determining how to prevent the development of breast cancer and metastasis and renews the sense of urgency to eradicate this disease.

It is my privilege to work with dedicated volunteers, patients, caregivers and survivors from organizations such as Susan G. Komen for the Cure, National Breast Cancer Coalition, the American Cancer Society and so many others. Their tireless work is an inspiration and a reminder that we must keep up the fight until there is a cure.

IN HONOR OF THE TECHNOLOGY CENTER AT THE GERARD CARTER COMMUNITY CENTER

**HON. MICHAEL G. GRIMM**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 4, 2011*

Mr. GRIMM. Mr. Speaker, I rise today to commend Time Warner Cable, the Jewish Community Center of Staten Island and the New York City Department of Youth and Community Development for their efforts in the construction of a new, state-of-the-art technology center in on Staten Island.

The Technology Center at the Gerard Carter Community Center, sponsored by Time Warner Cable and the Jewish Community Center of Staten Island, is fully equipped with the newest computers, high-speed Internet, flat screen and high definition televisions and edu-

cational software to help Americans succeed in the 21st Century. The hard-working residents of Staten Island can now take advantage of modern technology to train and search for 21st century jobs.

Facilities like the Gerard Carter Community Center provide state-of-the-art tools for displaced workers to update their skills and regain their competitive advantage in the labor market. It also provides a place for students to utilize the latest technology to further their education.

I applaud Time Warner Cable and the Gerard Carter Community Center for giving Stapleton residents access to the latest technology. I urge my colleagues to join me in applauding Time Warner Cable and the Gerard Community Center to create the Technology Center—its ventures like this give the unemployed and the underemployed the opportunity and the encouragement they need to take back their lives and get to work.

HONORING THE DEER LAKES AA BOYS VOLLEYBALL TEAM

**HON. JASON ALTMIRE**

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 4, 2011*

Mr. ALTMIRE. Mr. Speaker, I rise today to honor the 2011 Deer Lakes High School Boys Volleyball Team. This past season, the team won the WPIAL championship as well as the Pennsylvania State Championship. I congratulate them on an outstanding season and commend their hard work in winning both prestigious titles.

Over the course of their season, the team showed remarkable consistency while displaying exemplary team play. Incredibly, the team did not lose a match all season.

I would also like to give special recognition to two members of the team who played to the best of their abilities each and every game. Tony Nicotra and Jeremy Gaston deserve praise for their team leadership and work ethic throughout the season. Their hard work was rewarded when they received the co-most valuable player award for both the WPIAL and state tournaments.

In addition, a team is only as good as the coaching staff that stands behind their players. Head coach Richard Tatrn along with assistant coaches BJ Ruyes, Terry Gaston, Joe Giradi, and Kevin Hamilton all deserve recognition for their encouragement, instruction, and leadership throughout their championship season.

I again congratulate the Deer Lakes Boys Volleyball Team's players and coaching staff on all of their achievements. It is with great joy that I pay tribute to this team on their well-deserved accomplishments this season.

IN RECOGNITION OF THE 75TH ANNIVERSARY OF THE CAPE COD TIMES

**HON. WILLIAM R. KEATING**

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 4, 2011*

Mr. KEATING. Mr. Speaker, I rise today to recognize the seventy-fifth anniversary of the

Cape Cod Times, a daily newspaper circulated throughout the towns and villages of Massachusetts' Cape and Islands.

Seventy-five years ago, businessmen J.P. Dunn and Basil Brewer came together in a Hyannis garage to publish the Cape Cod Standard-Times. This union grew out of the men's desire to provide the residents of the Cape and Islands with access to community news, so they teamed up with the New Bedford Standard-Times for joint distribution through the 1960s. By 1970, however, the success of local small businesses and industries had brought an era of expansion to the region, augmenting the need for a local paper to service the needs and interests of the unique communities of the Cape and Islands. In 1975, the first Cape Cod Times edition was published as an "independent Cape Cod newspaper, printed and published on the Cape, by Cape Codders, for Cape Codders."

Today, the Cape Cod Times provides over 60,000 readers in the region with daily headlines of national and local relevance—from summer beach closings to breaking news across the globe. The paper's circulation reaches beyond the Cape and Islands through its online subscription, allowing readers to stay up-to-date on community happenings no matter their location.

Time and time again, the paper has been recognized for its national significance, having been named to such prestigious awards as "Newspaper of the Year," "Website of the Year" and "Sunday Newspaper of the Year" by the New England Press Association, the New England Newspaper Association, and the New England Associated Press Executives Association.

Having owned a home on Cape Cod for twenty years, it is with pride and gratitude that I congratulate the Cape Cod Times, its editors and staff on providing seventy-five years of authentic journalism to the people of the Tenth Congressional District of Massachusetts. I extend my best wishes to the paper for many more years of award-winning journalism to come.

HONORING WILLIAM ENSIGN

**HON. MARCY KAPTUR**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 4, 2011*

Ms. KAPTUR. Mr. Speaker, I rise today to recognize the life of William Ensign a respected and jovial Toledoan whose ethic of public service resulted in his being elected Mayor of Toledo in 1967, and then reelected again in 1971. We offer our condolences to his wife of 61 years, Joan, their children Maria, Kimberly, Madonna, Christopher, Joel and Thomas, as well as their families.

William J. Ensign was born in 1924. He grew up in Cleveland and went on to serve as a Marine in the Pacific Theatre in World War II. He earned his undergraduate and graduate degrees in sociology and criminology from the University of Notre Dame. He came to Toledo in 1951 to work in the legal system until he became the director of the county welfare agency in 1963, a position he held until he was elected Mayor of Toledo in 1967. He was re-elected by a landslide in 1969. He resigned in 1971 after then Ohio Governor John



Gilligan appointed him Director of the Ohio Youth Commission. He then served for a year with the Ohio Department of Administrative Services. Beginning in 1975, he was the Director of the Criminal Justice program at Ohio Dominican University.

Even as he raised his family and pursued his career, William Ensign developed his passion for music. He received his first drumsticks at age six, played piano and was a drum major in the college band. He played with the Cleveland Philharmonic Orchestra and the Marine Corps band.

William Ensign's legacy is well-described by a former political foe, "He was bright and engaging and never had a bad word about anybody." True testament to a life lived in service to others, his community and nation.

REPRESENTATIVE JERRY COSTELLO WILL BE DEARLY MISSED

### HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 4, 2011*

Mr. RANGEL. Mr. Speaker, I am sad to learn that the House of Representatives will be losing a strong leader with the retirement of my dear friend and colleague, Congressman JERRY COSTELLO. In the U.S. Congress, he fought hard to protect the environment and promoted progressive development of infrastructure.

I am privileged to have worked with JERRY in the past 23 years he has served in this great institution we both so love. JERRY has been a steadfast steward of the public interest from his early days in law enforcement to his more than two decades in the House of Representatives. Throughout his public career he has demonstrated time and again how colleagues can reach across the aisle to find compromise for the good of the nation.

I wish JERRY the best of luck with his future endeavors. His service to the people of Illinois' 12th District has been impeccable and he will be dearly missed by both his constituents and colleagues.

CONGRATULATING CENTENNIAL NATIONAL DAY OF THE REPUBLIC OF CHINA (TAIWAN)

### HON. JEFF DENHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 4, 2011*

Mr. DENHAM. Mr. Speaker, I would like to extend my sincere congratulations to the people of Taiwan on the occasion of the upcoming October 10, 2011, Centennial National Day of the Republic of China. The Republic of China shares my country's belief that government must be by the people, for the people, and of the people.

After the heroic struggle for liberation during World War II, in which our two nations fought side by side, the Republic of China was instrumental in the foundation of the United Nations and has continued to play an important role in global affairs.

The Republic of China is an example of democratic and economic liberalization for

emerging economies in Asia. This impressive economic growth has turned Taiwan into one of the United States' largest and most trusted trading partners and the single largest per capita importer of U.S. agricultural products. Our relationship has proved very important to my district which is home to some of the most productive farmland in the world.

The Republic of China has pursued a foreign policy that promotes peaceful cooperation between nations, and I support its efforts to provide leadership in the international community. Today, I send my good wishes for the future prosperity of a free and democratic Taiwan.

OUR UNCONSCIONABLE NATIONAL DEBT

### HON. MIKE COFFMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 4, 2011*

Mr. COFFMAN of Colorado. Mr. Speaker, today our national debt is \$14,837,099,271,196.71.

On January 6, 2009, the start of the 111th Congress, the national debt was \$10,638,425,746,293.80.

This means the national debt has increased by \$4,198,673,524,902.91 since then. This debt and its interest payments we are passing to our children and all future Americans.

RECOGNIZING COOPERATIVE HOUSING CORPORATION ON 25 YEARS OF SERVICE

### HON. LEONARD LANCE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 4, 2011*

Mr. LANCE. Mr. Speaker, I rise today to congratulate the Cooperative Housing Corporation on its silver anniversary of providing affordable, high quality housing and services to senior citizens and special needs individuals throughout Central New Jersey.

The CHC has proudly helped improved the lives of many older adults and special needs young people throughout its 25 years of service. Since 1986 the CHC has provided shared housing facilities and special services designed to meet physical, social and psychological needs on a cooperative family basis. The CHC comforted countless individuals through a caring "second family" environment, and promoted health, security and happiness for senior citizens and others.

Mr. Speaker, I am proud to commend the staff, board and founders of the Cooperative Housing Corporation for 25 years of dedicated community service in Central New Jersey and pleased and honored to share this important milestone with my colleagues in the United States Congress and with the American people.

My best personal wishes to everyone associated with the Cooperative Housing Corporation.

RESOLUTION COMMEMORATING THE CITY OF DELRAY BEACH, FLORIDA, ON ITS 100TH ANNIVERSARY

### HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 4, 2011*

Mr. HASTINGS of Florida. Mr. Speaker, I rise to pay tribute to the city of Delray Beach on the occasion of its centennial celebration. For 100 years, the city of Delray Beach has symbolized the American spirit: looking ahead in times of prosperity; enduring in times of difficulty; and always rising to meet the challenges that have at times weighed on our country's history.

From its modest beginnings as an agricultural area in 1894, Delray Beach quickly grew, attracting many visitors in the winter months. On October 9, 1911, with a population of nearly 300, the area of Delray was chartered by the State of Florida as an incorporated town. Industrial plants for the canning of pineapples and tomatoes were built, bringing in new residents and ushering in an era of prosperity. By 1920, Delray's population had reached over 1000 residents. Today, it is estimated that more than 65,000 people call the city of Delray Beach home.

The city has seen its share of highs and lows throughout the years. The early 1900s saw Delray prosper, only to experience economic hardships by the Great Depression. By the 1930s, Delray was again flourishing, only to find itself engulfed in the unrest faced by our nation during the civil rights movement. But Delray Beach, like our country, endured.

In the 1980s, prosperity was again seen changed to decay, as many of the small mom-and-pop stores that lit the downtown area were forced to close their doors. But today, even in the face of economic hardships, Delray Beach has united to create a plan for redevelopment and revitalization that has transformed and continues to transform its commercial center.

Mr. Speaker, I am proud to honor the history of the city of Delray Beach, and I look forward to working with my colleagues in the House of Representatives to ensure that Delray Beach, along with the countless other cities and towns across our great nation, experience growth, prosperity, and success in the next 100 years.

HONORING MARY E. GERKEN

### HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 4, 2011*

Ms. KAPTUR. Mr. Speaker. I rise today to recognize the life of Mary E. Gerken, who passed from this life at age 90 years. She was an indefatigable educator, brilliant student, source of inspiration, enduring mother for her family and our community, and woman of deep, abiding faith. Her life truly can be described as a woman for others. We offer our condolences to her family, especially her children Cathy, Fran, George and Pete.

Born August 29, 1920 to Nettie Mosher, a World War I Army nurse, Mary Gerken grew

up in Northwest Ohio and was the Valedictorian of her Perrysburg High School graduating class. She went on to obtain a Bachelor's Degree in Biochemistry from Mary Manse College and her Master's Degree in Science Education and Microbiology from the University of Toledo. Married following World War II, Mary then was widowed with four young children.

Long before women were welcomed in the sciences, she was blazing a path for those that would follow. Even as she raised her family and cared for her mother and mother-in-law, Mary taught at the high school and college levels. A conscientious parent, she instilled in her children a core of social justice, exposure to the liberal arts, and insisted on a college education for each of them.

After her retirement—in her seventies—Mary traveled a new path. She taught Native Americans in Minnesota and worked with a community of religious sisters. When she came home several years later, she began a tenure of public service as an industrial hygienist with OSHA. She served as a Eucharistic Minister in her church and was a member of Zonta International.

Mary E. Gerken is an example of a life well-lived. She leaves a legacy of service, compassion and industry to her family and our community. Our community expresses its gratitude for her many decades of exceptional teaching, good humor, humility, and encouraging nature. We shall miss her spirited presence but remain grateful always for the lasting legacies her life's work generously gave to us.

FOREST DEDICATION  
RECOGNIZING DAVID CUTLER

**HON. WILLIAM R. KEATING**

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 4, 2011*

Mr. KEATING. Mr. Speaker, I rise today to recognize the dedication of the David Cutler Memorial Forest in Duxbury, Massachusetts.

David Cutler became of fixture in Duxbury in 1945 when his family decided to settle here, and from that point on, our community has been the better for it.

Just five years after moving to Duxbury, his parents started the Duxbury Clipper, and thus began David's affair with newspapers. After serving as captain of Colby College's football team, he came back home and got a job as a reporter at the Patriot Ledger. It wasn't long, though, before he felt a call to duty and David enlisted in the US Marines.

Like many men of his age group during that time, he was sent to Vietnam, where in an attack in 1968, he was shot in both legs. His courage and valor were rewarded with a Purple Heart and the title of Captain. Upon returning to the states, he went back to the Patriot Ledger and would soon become the paper's State House reporter. But after two years, he felt another call to duty, and left the Ledger to start the Marshfield Mariner.

Today, communities throughout Massachusetts' South Shore are served by one of David's papers—whether it be the Norwell Mariner or Scituate Mariner or anywhere in between. But it takes a special kind of man—a truly gifted story-teller—to make the most local of news a successful business; yet, that's

what David did. He took a \$1000 investment and turned it into an \$8 million empire. From there, David went on to sell his Mariner newspapers and began working to resurrect other struggling newspapers around Massachusetts until his untimely death.

The details of David's life appear to describe a man who was larger than life—college football captain, honored Marine, intrepid newspaper reporter and successful entrepreneur. And that is just the highlight reel. It doesn't take into account all the lives he touched both professionally and personally, the numerous community functions and local causes he threw his support behind, the countless games and events he attended for his children and later grandchildren.

These are often thought to be "the little things," but in reality they are as much the mark of a man's success. Maybe even more so, for they are what make life rich. So by all accounts, David Cutler was the richest man in town. And the truly fortunate thing is that he seems to have known that while he was still alive. I was moved when I read that early in his illness, David said to an old friend, "My life's work was my family, and I've succeeded." I never had the pleasure of meeting David Cutler, but if all I knew about him was that one quote, I would know he was a good man.

David's legacy of service and commitment to our community lives on today. It lives on in his newspapers. It lives on in his family. And it lives on in this forest we are dedicating in his honor. It seems to me that there is no more fitting a memorial for man who contributed so much to Duxbury than a living, breathing, growing part of the town he loved. David Cutler's forest, like the man it is named for, will make its mark on the lives of countless members of our community for generations to come.

HONORING DR. TOM GALLIA OF  
ROWAN UNIVERSITY

**HON. ROBERT E. ANDREWS**

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 4, 2011*

Mr. ANDREWS. Mr. Speaker, I rise today to honor Dr. Tom Gallia, a longtime member of the Rowan University community, currently serving as the Chief of Staff to the President and the Vice-president of community relations.

In his 40 years with the university, Dr. Gallia has served as a dedicated and tireless advocate for students and has played an integral role in every major university decision over the past several years.

In particular, Dr. Gallia's achievements have revolved around his relationship with the Borough of Glassboro. He graduated from Glassboro State College, where he earned bachelor's degree in biological and physical sciences with a minor in science education in 1966. He also met his wife at the school. His first job was at Glassboro High School, where he served as a biology teacher, advisor, and wrestling coach.

Prior to joining the administration of the University, Dr. Gallia served as a biological science and secondary education professor, serving three terms as a Department Chair and eight years as executive associate dean

in the College of Education. Dr. Gallia continues to hold the rank of full professor in both the Teacher Education and Educational Leadership departments.

Dr. Gallia has been instrumental in the planning and implementation of the Rowan Boulevard Project. The opportunities provided by the construction of the hotel, bookstore, residential apartments, and town square are secondary to the degree to which the project truly brought Rowan University students and the school's surrounding community of Glassboro together. The project, with Dr. Gallia's guidance, has helped the school develop a positive and meaningful relationship with the surrounding town.

In addition to his work at Rowan, Dr. Gallia serves in numerous positions in community organizations, including Main Street Glassboro, Central Business Redevelopment Authority, Glassboro Economic Advisory Board, Glassboro Chamber of Commerce, and Glassboro Code Enforcement Board, the Finance Committee of St. Bridget Church, the Bishop's Task Force and Transition Team at the church, and St. Anthony's Mutual Aid Society.

Mr. Speaker, I recognize Dr. Tom Gallia for his tireless dedication to the Borough of Glassboro, and to the faculty, students, and surrounding community of Rowan University and his decades of service to this fine institution of higher learning.

HONORING PASTOR ROGER  
FREEMAN

**HON. MARSHA BLACKBURN**

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 4, 2011*

Mrs. BLACKBURN. Mr. Speaker, there are leaders who work to shape the direction of the country and there are workers who toil to shape the direction of the soul. In the Tennessee Seventh Congressional District, there is one leader whose efforts over the past several decades have led many into the goodness of the Almighty. I rise today to honor First Baptist Church Pastor Roger Freeman as he retires from decades of active ministry.

An accomplished author, devoted father, and principled leader, Dr. Freeman serves not solely his beliefs. Dedicated to reaching both inward to his congregation and outward to the community, Freeman spends time serving in state Baptist associations as well as local civic organizations. Dr. Freeman's service reach extends beyond the walls of the church. In 2007, Freeman was invited by the National Park Service to offer the prayer for the lighting of the National Christmas Tree and eloquently represented his community, his family, and his faith.

From Texas, to Louisiana, to Tennessee, and communities beyond, Freeman has spent his life in service to his creed and his calling. I join with his wife and children in offering thanks to Dr. Roger Freeman for his many years of faith and guidance. I ask my colleagues to join with me in honoring Dr. Freeman. As he retires from First Baptist Church, I hope his fidelity to his vocation will remind us all to the higher service of our own.

IN RECOGNITION OF THE 50TH ANNIVERSARY OF THE CAPE COD SYMPHONY ORCHESTRA

**HON. WILLIAM R. KEATING**

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 4, 2011*

Mr. KEATING. Mr. Speaker, I rise today to recognize the Cape Cod Symphony Orchestra for fifty years of musical entertainment and to express my gratitude for their undying commitment to preserving education of the arts in Massachusetts.

The Cape Cod Symphony Orchestra was founded fifty years ago as an all-volunteer collection of student and adult musicians. Today, the Orchestra is renowned as the premier cultural arts organization of Cape Cod—comprised of 85 classically trained, professional musicians who bring their passion for music and culture to each and every performance. Under the skillful direction of Maestro Jung-Ho Pak, the Orchestra reaches the hearts of its audiences through five classical concerts and three pop concerts per season—inspiring over 50,000 residents and visitors to the Cape and Islands communities.

The home of the Cape Cod Symphony Orchestra has changed throughout the years—from venues across the Cape to their current stage at the Barnstable Performing Arts Center at Barnstable High School. However, their music has remained in the souls of their listeners wherever they go. Through the Orchestra's MusicWorks! Education Program, students of all ages across the Cape and Islands are provided with the opportunity to interact

with orchestra members, learn about their many instruments and attend intimate concerts. These programs are designed to enable all students—not just those who are musically-inclined—to develop an appreciation for and life-long interest in classical music.

In September, 2010, the Cape Cod Symphony Orchestra merged with the Cape Cod Conservatory of Music & Arts—unifying their mission of inspiring joy through the arts. Now, the Cape Cod Symphony and Conservatory of Music & Arts provide a whole variety of new programs—from a musical summer camp to music training for adult students—to engage eager participants of all ages.

The high-caliber educational opportunities offered by the Cape Cod Symphony Orchestra has greatly contributed to the cultural atmosphere of the region. I commend the Orchestra for its devotion to music education and I thank all members, past and present, for their willingness to relay their passion for music and performance to five decades of audiences.

RECOGNIZING TAIWAN AS IT  
CELEBRATES ITS CENTENNIAL  
NATIONAL DAY

**HON. PETER J. ROSKAM**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 4, 2011*

Mr. ROSKAM. Mr. Speaker, I rise today to honor President Ma Ying-jeou and the people of Taiwan as they celebrate their centennial National Day on October 10, 2011.

Nearly 65,000 Taiwanese-Americans live in the Chicagoland area, and I am always im-

pressed by their engagement in the political process and pride in their culture and history.

Taiwan is an important friend and ally of the United States. The United States and Taiwan enjoy a robust trade relationship that totals \$59 billion in goods and services, making Taiwan the ninth-largest U.S. trade partner. Taiwan also stands as a strong democracy in the Asian-Pacific region.

It is important to mention the strides Taiwan has made in improving its relationship with mainland China too. The most significant development in recent times was the signing of the Economic Cooperation Framework Agreement on June 29, 2010. The agreement reduced tariffs and trade barriers between the two sides, improving not just bilateral trade, but the cross-strait relationship. Regular dialogue between Taiwan and mainland China has also helped reduce military tensions.

Please join me in congratulating President Ma and the people of Taiwan as they celebrate their centennial National Day, and in wishing them many more years of friendship, prosperity, and peace.

PERSONAL EXPLANATION

**HON. SAM GRAVES**

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 4, 2011*

Mr. GRAVES. Mr. Speaker, on Monday, October 3, 2011, I missed a couple of rollcall votes. Had I been present, I would have voted "yea" on Nos. 742, 743, 744.

# Daily Digest

## Senate

### Chamber Action

#### *Routine Proceedings, pages S6059–S6143*

**Measures Introduced:** Eleven bills were introduced, as follows: S. 1644–1654. **Pages S6089–90**

#### **Measures Passed:**

**Enrollment Correction:** Senate agreed to H. Con. Res. 83, directing the Clerk of the House of Representatives to make a further correction in the enrollment of H.R. 2608. **Pages S6065–66**

**Schertz Veterans Post Office:** Committee on Homeland Security and Governmental Affairs was discharged from further consideration of H.R. 771, to designate the facility of the United States Postal Service located at 1081 Elbel Road in Schertz, Texas, as the “Schertz Veterans Post Office,” and the bill was then passed. **Page S6143**

**Sergeant Chris Davis Post Office:** Committee on Homeland Security and Governmental Affairs was discharged from further consideration of H.R. 1632, to designate the facility of the United States Postal Service located at 5014 Gary Avenue in Lubbock, Texas, as the “Sergeant Chris Davis Post Office,” and the bill was then passed. **Page S6143**

**National Save for Retirement Week:** Committee on Finance was discharged from further consideration of S. Res. 266, supporting the goals and ideals of “National Save for Retirement Week,” including raising public awareness of the various tax-preferred retirement vehicles and increasing personal financial literacy, and the resolution was then agreed to. **Page S6143**

#### **Measures Considered:**

**Currency Exchange Rate Oversight Reform Act—Agreement:** Senate began consideration of S. 1619, to provide for identification of misaligned currency, require action to correct the misalignment, after agreeing to the motion to proceed, and taking action on the following amendments proposed thereto: **Pages S6066–67, S6067–69, S6069–85**

Pending:

Reid Amendment No. 694, to change the enactment date. **Page S6069**

Reid Amendment No. 695 (to Amendment No. 694), of a perfecting nature. **Page S6069**

Reid Motion to commit the bill to the Committee on Finance with instructions, Reid Amendment No. 696, to change the enactment date. **Page S6069**

Reid Amendment No. 697 (to (the instructions) Amendment No. 696) of the motion to commit), of a perfecting nature. **Page S6069**

Reid Amendment No. 698 (to Amendment No. 697), of a perfecting nature. **Page S6069**

A motion was entered to close further debate on the bill, and, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, a vote on cloture will occur on Thursday, October 6, 2011. **Page S6085**

A unanimous-consent agreement was reached providing for further consideration of the bill at approximately 11 a.m., on Wednesday, October 5, 2011. **Page S6143**

**Nomination Confirmed:** Senate confirmed the following nomination:

Francis Joseph Ricciardone, Jr., of Massachusetts, to be Ambassador to the Republic of Turkey (Recess Appointment). **Page S6143**

**Messages from the House:** **Page S6088**

**Measures Referred:** **Page S6088**

**Measures Placed on the Calendar:** **Page S6088**

**Executive Communications:** **Pages S6088–89**

**Executive Reports of Committees:** **Page S6089**

**Additional Cosponsors:** **Pages S6090–91**

**Statements on Introduced Bills/Resolutions:** **Pages S6091–95**

**Additional Statements:** **Pages S6086–88**

**Amendments Submitted:** **Pages S6095–S6142**

**Authorities for Committees to Meet:** **Page S6142**

**Adjournment:** Senate convened at 10 a.m. and adjourned at 6:43 p.m., until 10 a.m. on Wednesday, October 5, 2011. (For Senate’s program, see the remarks of the Majority Leader in today’s Record on page S6143.)

## Committee Meetings

(Committees not listed did not meet)

### CONSUMER PROTECTION AND MIDDLE CLASS WEALTH BUILDING

*Committee on Banking, Housing, and Urban Affairs:* Subcommittee on Financial Institutions and Consumer Protection concluded a hearing to examine consumer protection and middle class wealth building in an age of growing household debt, after receiving testimony from Ray Boshara, Senior Advisor, Federal Reserve Bank of St. Louis; Atif Mian, University of California, Berkeley; Katherine Porter, University of California Irvine School of Law; Robert M. Lawless, University of Illinois College of Law, Urbana; G. Michael Flores, Bretton Woods, Inc., Saint Simons Island, Georgia; Doug Fecher, Wright-Patt Credit Union, Fairborn, Ohio; and Ida Rademacher, Corporation for Enterprise Development, and Susan K. Weinstock, Pew Charitable Trusts, both of Washington, D.C.

### IMPROVING THE BUDGET PROCESS

*Committee on the Budget:* Committee concluded a hearing to examine improving the budget process, focusing on strategies for more effective congressional budgeting, after receiving testimony from Maya MacGuineas, The New America Foundation Committee for a Responsible Federal Budget, David B. Kendall, Third Way, G. William Hoagland, former Staff Director, Senate Budget Committee, Martin Paone, former Senate Democratic Secretary, and Eric Ueland, former Chief of Staff for Senate Majority Leader Bill Frist, all of Washington, D.C.; and Donald F. Kettl, University of Maryland School of Public Policy, College Park.

### SHALE GAS PRODUCTION

*Committee on Energy and Natural Resources:* Committee concluded a hearing to examine the Secretary of Energy Advisory Board's Shale Gas Production Subcommittee's 90-day report, after receiving testimony from Stephen A. Holditch, Texas A&M University, College Station, on behalf of the Secretary of Energy's Advisory Board Shale Gas Subcommittee; Daniel Yergin, IHS Cambridge Energy Research Associates, Washington, D.C.; Mark D. Zoback, Stanford University Department of Geophysics, Palo Alto, California; and Kathleen A. McGinty, Weston Solutions, Inc., West Chester, Pennsylvania.

### NUTRIENT POLLUTION

*Committee on Environment and Public Works:* Subcommittee on Water and Wildlife concluded a hearing to examine nutrient pollution, focusing on an overview of nutrient reduction approaches, after re-

ceiving testimony from Nancy K. Stoner, Acting Assistant Administrator for Water, Environmental Protection Agency; William H. Werkheiser, Associate Director for Water, U.S. Geological Survey, Department of the Interior; Dave White, Chief, Natural Resources Conservation Service, Department of Agriculture; Shellie Chard-McClary, Oklahoma Department of Environmental Quality Water Quality Division Director, Oklahoma City; Richard J. Budell, Florida Department of Agriculture and Consumer Services Office of Agricultural Water Policy Director, Tallahassee; George S. Hawkins, District of Columbia Water and Sewer Authority General Manager; Nick Maravell, Nick's Organic Farm, Potomac, Maryland; and Andy Buchsbaum, National Wildlife Federation, Ann Arbor, Michigan.

### MEDICARE PART D

*Committee on Homeland Security and Governmental Affairs:* Subcommittee on Federal Financial Management, Government Information, Federal Services, and International Security concluded a hearing to examine costs of prescription drug abuse in the Medicare Part D program, including instances of questionable access to prescription drugs, after receiving testimony from Gregory D. Kutz, Director, Forensic Audits and Special Investigations, Government Accountability Office; Jonathan Blum, Deputy Administrator and Director, Center for Medicare, Centers for Medicare and Medicaid Services, Department of Health and Human Services; and Louis Saccoccio, National Health Care Anti-Fraud Association, Arlington, Virginia.

### AGRICULTURAL LABOR

*Committee on the Judiciary:* Subcommittee on Immigration, Refugees and Border Security concluded a hearing to examine America's agricultural labor crisis, focusing on enacting a practical solution, after receiving testimony from Gary W. Black, Georgia Department of Agriculture Commissioner, Atlanta; Tom Nassif, Western Growers, Salinas, California; Robert A. Smith, Farm Credit East, Cobleskill, New York; Ronald D. Knutson, Texas A&M University, College Station; Arturo S. Rodriguez, United Farm Workers of America, Keene, California; Connie Horner, Horner Farms, Inc., Homerville, Georgia; and Eric A. Ruark, Federation for American Immigration Reform, Washington, D.C.

### NOMINATIONS

*Committee on the Judiciary:* Committee concluded a hearing to examine the nominations of Stephanie Dawn Thacker, of West Virginia, to be United States Circuit Judge for the Fourth Circuit, who was introduced by Senators Rockefeller and Manchin,

Michael Walter Fitzgerald, to be United States District Judge for the Central District of California, who was introduced by Senator Boxer, Ronnie Abrams, to be United States District Judge for the Southern District of New York, who was introduced by Senators Gillibrand and Coons, Rudolph Contreras, of Virginia, to be United States District Judge for the District of Columbia, who was introduced by Representative Norton, and Miranda Du, to be United States District Judge for the District of Nevada, who was introduced by Senators Reid and Heller, after the nominees testified and answered questions in their own behalf.

## INTELLIGENCE

*Select Committee on Intelligence:* Committee held closed hearings on intelligence matters, receiving testimony from officials of the intelligence community.

Committee recessed subject to the call.

## BUSINESS MEETING

*Select Committee on Intelligence:* Committee ordered favorably reported the nomination of Irvin Charles McCullough III, of Maryland, to be Inspector General of the Intelligence Community, Office of the Director of National Intelligence.

# House of Representatives

## Chamber Action

**Public Bills and Resolutions Introduced:** 8 public bills, H.R. 3085–3092; 1 private bill, H.R. 3093; and 2 resolutions, H. Res. 420–421 were introduced.

Page H6551

**Additional Cosponsors:** Pages H6551–52

**Reports Filed:** There were no reports filed today.

**Speaker:** Read a letter from the Speaker wherein he appointed Representative Fitzpatrick to act as Speaker pro tempore for today.

Page H6507

**Recess:** The House recessed at 10:58 a.m. and reconvened at 12 noon.

Page H6519

**Chaplain:** The prayer was offered by the guest chaplain, Pastor Jerry Creel, Brush Arbor Baptist Church, Orlando, FL.

Page H6519

**Cement Sector Regulatory Relief Act of 2011 and EPA Regulatory Relief Act of 2011—Rule for Consideration:** The House agreed to the rule that is providing for consideration of H.R. 2681, to provide additional time for the Administrator of the Environmental Protection Agency to issue achievable standards for cement manufacturing facilities and H.R. 2250, to provide additional time for the Administrator of the Environmental Protection Agency to issue achievable standards for industrial, commercial, and institutional boilers, process heaters, and incinerators by a yeas-and-nays vote of 257 yeas to 165 nays, Roll No. 746, after the previous question was ordered without objection.

Pages H6523–28, H6532–33

**Continuing Appropriations Act, 2012:** The House concurred in the Senate amendment to the House amendment to the Senate amendment to H.R. 2608, to provide for an additional temporary extension of

programs under the Small Business Act and the Small Business Investment Act of 1958, by a yeas-and-nays vote of 352 yeas to 66 nays, Roll No. 745.

Pages H6528–31, H6531–32

**Recess:** The House recessed at 1:42 p.m. and reconvened at 1:45 p.m.

Page H6531

**Committee Resignation:** Read a letter from Representative Brooks, wherein he resigned from the Committee on Homeland Security.

Page H6533

**Committee Elections:** The House agreed to H. Res. 420, electing certain Members to certain standing committees.

Page H6533

**Senate Message:** Message received from the Senate by the Clerk and subsequently presented to the House today appears on page H6533.

**Amendments:** Amendments ordered printed pursuant to the rule appear on pages H6552–56.

**Quorum Calls—Votes:** Two yeas-and-nays votes developed during the proceedings of today and appear on pages H6531–32, H6532–33. There were no quorum calls.

**Adjournment:** The House met at 10 a.m. and adjourned at 5:04 p.m.

## Committee Meetings

### FUTURE OF NATIONAL DEFENSE AND THE U.S. MILITARY TEN YEARS AFTER 9/11

*Committee on Armed Services:* Full Committee held a hearing on the future of National Defense and the U.S. Military Ten Years After 9/11: Perspectives from Former Service Chiefs and Vice Chiefs. Testimony was heard from General John Jumper, USAF

(ret.), former Chief of Staff, U.S. Air Force; Lieutenant General Steven Blum, USA (ret.), former Chief, National Guard Bureau; and General Richard Cody, USA (ret.), former Vice Chief of Staff, U.S. Army.

#### **MODERNIZING THE WORKFORCE INVESTMENT ACT**

*Committee on Education and the Workforce:* Subcommittee on Higher Education and Workforce Training held a hearing entitled “Modernizing the Workforce Investment Act: Developing an Effective Job Training System for Workers and Employers.” Testimony was heard from Kristen Cox, Executive Director, Utah Department of Workforce Services; and public witnesses.

#### **AUDIT THE FED: DOD–FRANK, QE3, AND FEDERAL RESERVE TRANSPARENCY**

*Committee on Financial Services:* Subcommittee on Domestic Monetary Policy and Technology held a hearing entitled “Audit the Fed: Dodd-Frank, QE3, and Federal Reserve Transparency.” Testimony was heard from Orice Williams Brown, Managing Director, Financial Markets and Community Investment, Government Accountability Office; and public witnesses.

#### **COMMITTEE ON FINANCIAL SERVICES**

*Subcommittee on International Monetary Policy and Trade:* held a hearing entitled “The World Bank and Multi Lateral Development Banks’ Authorization.” Testimony was heard from public witnesses.

#### **WHY TAIWAN MATTERS**

*Committee on Foreign Affairs:* Full Committee held a hearing entitled “Why Taiwan Matters, Part II.” Testimony was heard from Kurt Campbell, Assistant Secretary of State for East Asian and Pacific Affairs, Department of State; and Peter Lavoy, Principal Deputy Assistant Secretary of Defense, Asian and Pacific Security Affairs, Department of Defense.

#### **MÉRIDA PART TWO: INSURGENCY AND TERRORISM IN MEXICO**

*Committee on Foreign Affairs:* Subcommittee on the Western Hemisphere; and the Committee on Homeland Security, Subcommittee on Oversight, Investigations, and Management held a joint hearing entitled “Mérida Part Two: Insurgency and Terrorism in Mexico.” Testimony was heard from William R. Brownfield, Assistant Secretary, Bureau of International Narcotics and Law Enforcement Affairs, Department of State; Rodney G. Benson, Assistant Administrator, Chief of Intelligence, Drug Enforcement Administration, Department of Justice; and Mariko Silver, Acting Assistant Secretary, Office of International Affairs, Department of Homeland Security.

#### **POLICY TOWARD SUDAN**

*Committee on Foreign Affairs:* Subcommittee on Africa, Global Health, and Human Rights held a hearing entitled “A Comprehensive Assessment of U.S. Policy Toward Sudan.” Testimony was heard from Princeton Lyman, Special Envoy for Sudan, Department of State; and public witnesses.

#### **DOES ADMINISTRATIVE AMNESTY HARM OUR EFFORTS TO GAIN AND MAINTAIN OPERATIONAL CONTROL OF THE BORDER?**

*Committee on Homeland Security:* Subcommittee on Border and Maritime Security held a hearing entitled “Does Administrative Amnesty Harm our Efforts to Gain and Maintain Operational Control of the Border?” Testimony was heard from Michael J. Fisher, Chief, Border Patrol, Customs and Border Protection, Department of Homeland Security; Kumar C. Kibble, Deputy Director, Immigration and Customs Enforcement, Department of Homeland Security; and Ruth Ellen Wasem, Specialist in Immigration Policy, Congressional Research Service.

#### **BALANCED BUDGET AMENDMENT TO THE CONSTITUTION**

*Committee on the Judiciary:* Full Committee held a hearing entitled “A Balanced Budget Amendment to the Constitution.” Testimony was heard from public witnesses.

#### **PRESIDENT’S NEW NATIONAL OCEAN POLICY**

*Committee on Natural Resources:* Full Committee held a hearing entitled “The President’s New National Ocean Policy—A Plan for Further Restrictions on Ocean, Coastal and Inland Activities.” Testimony was heard from public witnesses.

#### **LEGISLATIVE MEASURES**

*Committee on Natural Resources:* Subcommittee on Indians and Alaska Affairs held a hearing on H.R. 2938, the “Gila Bend Indian Reservation Lands Replacement Clarification Act.” Testimony was heard from Rep. Franks of Arizona; Paula Hart, Director of the Office of Indian Gaming, Department of the Interior; Eric J. Bistrow, Chief Deputy, Office of the Arizona Attorney General; Robert “Bob” Barrett, Mayor, Peoria, Arizona; and public witnesses.

#### **LEGISLATIVE MEASURES**

*Committee on Natural Resources:* Subcommittee on National Parks, Forests and Public Lands held a hearing on the following legislation: H.R. 2563, to authorize a Wall of Remembrance as part of the Korean War Veterans Memorial and to allow certain private contributions to fund that Wall of Remembrance; H.R. 1335, to revise the boundaries of the Gettysburg



National Military Park to include the Gettysburg Train Station, and for other purposes; and H.R. 854, to authorize the Peace Corps Commemorative Foundation to establish a commemorative work in the District of Columbia and its environs, and for other purposes. Testimony was heard from Rep. Hall; Rep. Platts; Rep. Farr; Stephen E. Whitesell, Regional Director, National Capital Region, National Park Service, Department of the Interior; and public witnesses.

## FINAL REPORT TO CONGRESS OF THE COMMISSION ON WARTIME CONTRACTING

*Committee on Oversight and Government Reform:* Full Committee held a hearing entitled “Where is the Peace Dividend? Examining the Final Report to Congress of the Commission on Wartime Contracting.” Testimony was heard from members of the Commission on Wartime.

## QUALITY SCIENCE FOR QUALITY AIR

*Committee on Science, Space, and Technology:* Subcommittee on Energy and Environment held a hearing entitled “Quality Science for Quality Air.” Testimony was heard from public witnesses.

## PROTECTING THE TAXPAYER FROM AN UNACHIEVABLE COAST GUARD ACQUISITION PROGRAM

*Committee on Transportation and Infrastructure:* Subcommittee on Coast Guard and Maritime Transportation held a hearing entitled “What Will It Cost: Protecting the Taxpayer from an Unachievable Coast Guard Acquisition Program.” Testimony was heard from Admiral Robert Papp, Commandant, U.S. Coast Guard; and John Hutton, Government Accountability Office.

## CYBER THREATS AND ONGOING EFFORTS TO PROTECT THE NATION

*House Permanent Select Committee on Intelligence:* Full Committee held a hearing entitled “Cyber Threats and Ongoing Efforts to Protect the Nation.” Testimony was heard from public witnesses.

## Joint Meetings

### ECONOMIC OUTLOOK

*Joint Economic Committee:* Committee concluded a hearing to examine the economic outlook, after receiving testimony from Ben S. Bernanke, Chairman, Board of Governors of the Federal Reserve System.

## COMMITTEE MEETINGS FOR WEDNESDAY, OCTOBER 5, 2011

*(Committee meetings are open unless otherwise indicated)*

### Senate

*Committee on Banking, Housing, and Urban Affairs:* Subcommittee on Economic Policy, to hold hearings to examine perspectives on the economic implications of the Federal budget deficit, 10 a.m., SD-538.

*Committee on Commerce, Science, and Transportation:* business meeting to consider the nomination of John Edgar Bryson, of California, to be Secretary of Commerce, and a promotion list in the U.S. Coast Guard and the National Oceanic and Atmospheric Administration Commissioned Corps, Time to be announced, Room to be announced.

*Committee on Foreign Relations:* to hold hearings to examine the nominations of Susan Denise Page, of Illinois, to be Ambassador to the Republic of South Sudan, Adrienne S. O’Neal, of Michigan, to be Ambassador to the Republic of Cape Verde, Mary Beth Leonard, of Massachusetts, to be Ambassador to the Republic of Mali, and Mark Francis Brzezinski, of Virginia, to be Ambassador to Sweden, all of the Department of State, 10 a.m., SD-419.

*Committee on Homeland Security and Governmental Affairs:* to hold hearings to examine the nomination of Ernest Mitchell, Jr., of California, to be Administrator of the United States Fire Administration, Federal Emergency Management Agency, Department of Homeland Security, 10 a.m., SD-342.

Ad Hoc Subcommittee on Contracting Oversight, to hold hearings to examine food service management contracts, focusing on if contractors are overcharging the government, 2 p.m., SD-342.

*Committee on the Judiciary:* to hold hearings to examine considering the role of judges under the Constitution of the United States, 2:30 p.m., SH-216.

### House

*Committee on Education and the Workforce,* Subcommittee on Workforce Protections, hearing entitled “Workplace Safety: Ensuring a Responsible Regulatory Environment.” 10 a.m., 2261 Rayburn.

*Committee on Energy and Commerce,* Subcommittee on Commerce, Manufacturing, and Trade, hearing entitled “Protecting Children’s Privacy in an Electronic World.” 9 a.m., 2123 Rayburn.

Subcommittee on Oversight and Investigations, hearing entitled “Administration Efforts on Line-by-Line Budget Review.” 9:30 a.m., 2322 Rayburn.

*Committee on Financial Services,* Subcommittee on Capital Markets, markup of the following: H.R. 1965, to amend the securities laws to establish certain thresholds for shareholder registration, and for other purposes; H.R. 2167, the “Private Company Flexibility and Growth Act”; H.R. 2930, the “Entrepreneur Access to Capital Act”; H.R. 2940, the “Access to Capital for Job Creators Act”; and legislation regarding the “Small Company Job Growth and Regulatory Relief Act of 2011.” 10 a.m., 2128 Rayburn.

*Committee on Foreign Affairs*, Full Committee, markup of the following: H.R. 2830, to authorize appropriations for fiscal years 2012 and 2013 for the Trafficking Victims Protection Act of 2000, and for other purposes; and H.R. 2059, to prohibit funding to the United Nations Population Fund; and legislation to authorize appropriations for fiscal years 2012 and 2013 for the Trafficking Victims Protection Act of 2000, and for other purposes. 10 a.m., 2172 Rayburn.

*Committee on Homeland Security*, Subcommittee on Counterterrorism and Intelligence, hearing entitled “Intelligence Sharing and Terrorist Travel: How DHS Addresses the Mission of Providing Security, Facilitating Commerce and Protecting Privacy for Passengers Engaged in International Travel.” 10 a.m., 311 Cannon.

*Committee on the Judiciary*, Subcommittee on Crime, Terrorism, and Homeland Security, hearing entitled “The Implementation of Certain International Nuclear and Maritime Terrorism Agreements.” 10 a.m., 2141 Rayburn.

Subcommittee on Immigration Policy and Enforcement, markup to request a Department of Homeland Security Departmental Report on the Beneficiary of H.R. 1857, for the relief of Bartosz Kumor; followed by a hearing entitled “STEM the Tide: Should America Try To Prevent an Exodus of Foreign Graduates of U.S. Universities with Advanced Science Degrees?” 1:30 p.m., 2141 Rayburn.

*Committee on Natural Resources*, Full Committee, markup of the following: H.R. 306, the “Corolla Wild Horses Protection Act”; H.R. 443, to provide for the conveyance of certain property from the United States to the Maniilaq Association located in Kotzebue, Alaska; H.R. 588, to redesignate the Noxubee National Wildlife Refuge as the Sam D. Hamilton Noxubee National Wildlife Refuge; H.R. 850, to facilitate a proposed project in the Lower St. Croix Wild and Scenic River, and for other purposes; H.R. 991, to amend the Marine Mammal Protection Act of 1972 to allow importation of polar bear trophies taken in sport hunts in Canada before the date the polar bear was determined to be a threatened species under the Endangered Species Act of 1973; H.R. 1162, to provide the Quileute Indian Tribe Tsunami and Flood Protection, and for other purposes; H.R. 1461, the “Mes-calero Apache Tribe Leasing Authorization Act”; H.R. 1466, to resolve the status of certain persons legally residing in the Commonwealth of the Northern Mariana Islands under the immigration laws of the United States; H.R. 1505, the “National Security and Federal Lands Protection Act”; H.R. 1556, to amend the Omnibus Indian Advancement Act to allow certain land to be used

to generate income to provide funding for academic programs, and for other purposes; H.R. 1740, to amend the Wild and Scenic Rivers Act to designate a segment of Illabot Creek in Skagit County, Washington, as a component of the National Wild and Scenic Rivers System; H.R. 2060, the “Central Oregon Jobs and Water Security Act”; H.R. 2351, the “North Cascades National Park Service Complex Fish Stocking Act”; H.R. 2352, to authorize the Secretary of the Interior to adjust the boundary of the Stephen Mather Wilderness and the North Cascades National Park in order to allow the rebuilding of a road outside of the floodplain while ensuring that there is no net loss of acreage to the Park or the Wilderness, and for other purposes; H.R. 2360, the “Providing for Our Workforce and Energy Resources (POWER) Act”; H.R. 2578, to amend the Wild and Scenic Rivers Act related to a segment of the Lower Merced River in California, and for other purposes; H.R. 2752, the “BLM Live Internet Auctions Act”; H.R. 2803, to direct the Secretary of the Interior, acting through the Bureau of Ocean Energy Management, Regulation and Enforcement, to conduct a technological capability assessment, survey, and economic feasibility study regarding recovery of minerals, other than oil and natural gas, from the shallow and deep seabed of the United States; H.R. 2842, the “Bureau of Reclamation Small Conduit Hydropower Development and Rural Jobs Act of 2011”; H.R. 2915, the “American Taxpayer and Western Area Power Administration Customer Protection Act of 2011”; and H.R. 3069, the “Endangered Salmon and Fisheries Predation Prevention Act,” 10 a.m., 1324 Longworth.

*Committee on Small Business*, Full Committee, hearing entitled “Adding to Uncertainty: The Impact of DOL/NLRB Decisions and Proposed Rules on Small Businesses.” 1 p.m., 2360 Rayburn.

*Committee on Transportation and Infrastructure*, Subcommittee on Aviation, hearing entitled “A Comprehensive Review of FAA’s NextGen Program: Costs, Benefits, Progress, and Management.” 10 a.m., 2167 Rayburn.

*Committee on Veterans’ Affairs*, Subcommittee on Economic Opportunity, hearing entitled “Reviewing the Progress of the Partnership between the United States Paralympics and the Department of Veterans Affairs to Promote Adaptive Sports.” 10 a.m., 334 Cannon.

*Committee on Ways and Means*, Full Committee, markup of the following: H.R. 3078, the “United States-Colombia Trade Promotion Agreement Implementation Act”; H.R. 3079, the “United States-Panama Trade Promotion Agreement Implementation Act”; and H.R. 3080, the “United States-Korea Free Trade Agreement Implementation Act”. 10 a.m., 1100 Longworth.

*Next Meeting of the SENATE*

10 a.m., Wednesday, October 5

*Next Meeting of the HOUSE OF REPRESENTATIVES*

10 a.m., Wednesday, October 5

## Senate Chamber

**Program for Wednesday:** After the transaction of any morning business (not to extend beyond one hour), Senate will continue consideration of S. 1619, Currency Exchange Rate Oversight Reform Act, with a 1 p.m. filing deadline for first-degree amendments.

## House Chamber

**Program for Wednesday:** Consideration of H.R. 2681—Cement Sector Regulatory Relief Act of 2011 (Subject to a Rule).

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